



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

20 June 2012

Trial Day 77

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

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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. IANUZZI	English
MR. KHIEV NEOU (TCW-321)	Khmer
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PESTMAN	English
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MR. VENG HUOT	Khmer
MR. VEN POV	Khmer
MR. VERCKEN	French
MR. YUN KIM (TCW-797)	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today we will continue to hear the testimony of the witness and

6 the floor will be given to the civil party counsels.

7 Ms. Se Kolvuthy, could you report the participation of the

8 parties and the individuals summoned by the Chamber?

9 THE GREFFIER:

10 Mr. President, all parties are present except defence counsel

11 Michael Karnavas, the international counsel for Ieng Sary, with

12 no reason.

13 The accused Ieng Sary is present in the holding cell downstairs

14 and he request to waive his direct presence through his counsel

15 to this proceeding, and to follow it through audio-visual means.

16 A letter of waiver has been delivered to the Greffier.

17 As for the reserve witness, TCW-321, he's waiting in the waiting

18 room.

19 [09.03.26]

20 MR. PRESIDENT:

21 The Chamber has received a request made by the accused Ieng Sary

22 through his counsel dated the 20 of June 2012, the request not to

23 directly follow the proceeding in the courtroom and instead to

24 follow the proceeding in the holding cell downstairs through

25 audio-visual means, as he cannot sit for long in the courtroom.

2

1 [09.03.59]

2 And also the treating doctor of the accused Ieng Sary made his  
3 recommendation that for today's proceeding -- the treating doctor  
4 recommends that he should follow the proceeding through  
5 audio-visual means in the holding cell downstairs, as he is tired  
6 in going up and down the staircase and cannot sit for long in the  
7 courtroom.

8 So Mr. Ieng Sary's request to follow it through the audio-visual  
9 means, and he can also contact his defence team from the holding  
10 cell -- the Chamber therefore agrees to the request made by Ieng  
11 Sary to waive his rights to follow the proceeding directly from  
12 the -- in the courtroom and to follow it through the audio-visual  
13 means for the entire day proceeding.

14 [09.05.09]

15 AV Unit, you're instructed to link the proceeding through  
16 audio-visual means to the holding cell downstairs.

17 The floor is now given to the civil party Lead Co-Lawyers to put  
18 question to this witness.

19 [09.05.42]

20 QUESTIONING BY MR. VEN POV:

21 Good morning, Mr. President. Good morning, Your Honours. Good  
22 morning, everyone in and around the courtroom. Good morning, Mr.  
23 Yun Kim. I am the civil party lawyer and I have some questions  
24 for you through your experience and knowledge as you have been  
25 the commune chief and also the cooperative chief during the DK

3

1 regime. We would like you to shed light on some events related to  
2 what you have heard, have known and have seen during that period.

3 Q. The question is following: Yesterday, in your response to the  
4 Prosecution regarding your entry into the Party membership-- My  
5 question is: Before you joined the CPK, did you join -- when did  
6 you join the Khmer Rouge Revolutionary Movement?

7 [09.06.57]

8 MR. YUN KIM:

9 A. My apology; I have a sore throat this morning.

10 I joined the Khmer Rouge Revolutionary Movement after Kratie  
11 province was liberated. And on the 4th of March 1971, the  
12 district committee appointed me to be the commune chief of  
13 Voadthonak. It was a new commune -- it was part of an old commune  
14 but then that area was established as a new commune under the  
15 name of Voadthonak. That's all.

16 Q. Can you tell us the reason that you decided to join the  
17 movement, is it voluntarily?

18 A. As we all know, there was a movement then. As a peasant in  
19 Voadthonak commune, if I did not join the movement, I might be in  
20 danger one day because that movement was rather active at the  
21 time.

22 So, in order for me to understand about the revolution, I decided  
23 to join that movement so that I can understand the matter more  
24 clearly, and also in order to protect myself, and also to protect  
25 the people.

1 [09.09.08]

2 Q. I have some other questions related to your meeting with Mr.  
3 Nuon Chea in Kratie province, which is Sector 505.

4 My question is: When you met Nuon Chea then, besides Nuon Chea,  
5 did you meet with any other CPK leaders in that meeting?

6 A. When Nuon Chea went to D-3 in that commune, the main content  
7 was to establish the mutual assistance group and the  
8 cooperatives. And the cadres that escorted him did not include  
9 any of the senior leadership. At that time, the dignitary were  
10 those from the Sector 505 district committee, and Mr. Nuon Chea,  
11 and that's all.

12 Q. Besides talking about the low level and high level cooperative  
13 establishment, did Nuon Chea talk about the plan to have a final  
14 attack to liberate the entire country?

15 [09.10.38]

16 A. Regarding the war situation at the time -- that is in 1973,  
17 Kampuchea had gone through a very hot and hostile war with the  
18 Lon Nol group backed by the Americans. Usually, for all meetings  
19 say by the CPK -- either in the district or in the provincial  
20 town -- they never talked about the final attack -- they talked  
21 about the start of the attack by mentioning first the current  
22 situation back then.

23 [09.11.18]

24 Q. Did you know that, at that time, Nuon Chea talk or give  
25 instructions regarding the principle that people at the base need

1 to prepare to receive the people from Phnom Penh when the country  
2 were to be liberated?

3 A. Regarding the instructions in connection to the evacuation,  
4 there was no such instruction or principle because the war at the  
5 time was on going. So he did not say what to do after we win the  
6 war or how people were to be evacuated.

7 [09.12.11]

8 Q. Yesterday, in your reply to the Prosecutor, you said that  
9 after your meeting with Nuon Chea, Chet, who was the secretary of  
10 the Sambour district, called you and the district committee to  
11 give instructions to establish a community and not the  
12 cooperative.

13 The question is: What is the distinction between a community and  
14 a cooperative?

15 A. Yes, there is a distinction. "Cooperative" means everything is  
16 communal and the benefit is shared. As for the community,  
17 everything is put together -- we work together and we eat  
18 together without sharing the benefit.

19 Q. Regarding the community establishment in Sambour district,  
20 until when was it in existence?

21 A. Community was established in 1973 as instructed by Chet. It  
22 was in existence until 1979 because we ate communally at the time  
23 and until then.

24 Q. My next question is related to your meeting with Nuon Chea:  
25 Did you know or were you told if the position of Nuon Chea at the



6

1 time -- that is his position within the CPK?

2 A. Regarding the role of Nuon Chea at the time, I did not know  
3 clearly but I knew that he was with the Party Centre, so he was  
4 at the supreme leadership level of the CPK.

5 [09.14.21]

6 Q. Now, I'll touch up on another topic that is regarding the  
7 administrative structure at the base in relation to the commune  
8 and the cooperative.

9 In your statement to the Office of the Co-Investigating Judges  
10 you stated that in Sambour commune there were two cooperatives,  
11 Sambour and Srae Khoean.

12 And I'd like to introduce that document to be projected on the  
13 screen -- it's D125/184, ERN in Khmer 00340150 and in English  
14 00345192 in French 00404178.

15 MR. PRESIDENT:

16 Yes, you may proceed.

17 [09.16.38]

18 BY MR. VEN POV:

19 Q. I'd like to quote your statement: "After the two cooperatives  
20 were established, they no longer talked about the commune."

21 My question is: At that time was there still a commune chief or  
22 commune committee, or did you carry both the role of the commune  
23 chief and the role of the cooperative chief?

24 MR. YUN KIM:

25 A. When the cooperatives were to be established, then the chief

7

1 of the commune was appointed as the chief of the cooperative, and  
2 there was no new commune chief or new cooperative chief.

3 And as for the village chiefs, they would be the chiefs of the  
4 target groups and each responsible for a particular target group.

5 Q. Did it mean that no longer there was a commune chief for  
6 Sambour commune?

7 [09.18.05]

8 A. No, there was no longer a commune chief they were referring at  
9 the time only through the cooperative not the commune.

10 Q. Yesterday, you stated that in the cooperative there was a  
11 three-person committee, what was the name of that committee? Were  
12 they called a commune chief or the commune committee?

13 A. When the commune became the cooperative, then they would be  
14 called a cooperative committee, not the commune committee. And  
15 the secretary of the commune or the chief of the commune, their  
16 role would be just changed to the chief of the cooperative.

17 However, there is no change in structure when it comes to the  
18 Party structure.

19 Q. As the commune secretary or commune committee, did you ever  
20 receive any principle or plan from the upper echelon for you to  
21 send the ones who made mistakes and who would consider enemies to  
22 any security centre?

23 [09.19.41]

24 A. Regarding the sending of people, it is connected to the  
25 reporting regime. If a commune reported that a person was a bad

8

1 element, then that person will be instructed to be sent. However,  
2 if there was no such report that someone was an enemy within the  
3 cooperative, then there would be no instruction to send them.  
4 I, myself, never made any report regarding the people or the  
5 youths within my cooperative. And later on, some of the youths  
6 left and some joined the army, and some went to serve at the  
7 district office, and some went to the rubber plantation.  
8 So, within the commune, the labour force was minimized and I had  
9 the impression that if every time there was a report about this  
10 person was an enemy or that person was an enemy, then there would  
11 be no significant force to work on the production, and as I was a  
12 commune leader I never made any report for my people to be  
13 killed, as I stated.

14 [09.21.12]

15 Q. Regarding the cooperative, again, I'd like to talk about the  
16 means of communication. What means you used most between your --  
17 you and your upper echelon regarding your work?

18 A. Regarding the means of communication, there were two ways. For  
19 example, during a meeting and after a meeting we would set the  
20 next plan or schedule for the next meeting, as I stated  
21 yesterday.

22 The district and the commune usually met on a weekly basis. For  
23 example, if we meet today which is a Wednesday, then we would  
24 hold a similar meeting next Wednesday, so we would set the next  
25 meeting on today.

9

1 And second, in case of emergency or if there is a particular  
2 issue outside of our scheduled plan, then there would be a  
3 district messenger who would liaise with the commune.

4 And the commune itself also would have a messenger to liaise with  
5 the district. So these are the two means of communication at the  
6 time.

7 [09.22.44]

8 Q. In regard to the commune, you stated that you were the commune  
9 chief of commune committee from the 4th of March '71 till  
10 February '77.

11 The question is: In the Voadthonak commune, under your  
12 management, how many cooperatives?

13 A. In Voadthonak commune which I controlled, there was only one  
14 cooperative.

15 However, in some villages there were target groups for specific  
16 task. In Sambour, there were two cooperatives but in Voadthonak  
17 there was only one cooperative.

18 And usually one commune would only have one cooperative. But  
19 Sambour commune was rather large, that's why there were two  
20 cooperatives.

21 MR. VEN POV:

22 Mr. President, I'd like to show another document that is a  
23 statement in document D125/184. The Khmer ERN is 00340150; in  
24 English, 00345192; and in French, 00404178.

25 [09.24.34]

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 BY MR. VEN POV:

4 Q. The question they put to you was that: "While you were holding  
5 your position what were the task that you instructed your  
6 subordinates to carry out?"

7 And your response is:

8 "We called for meetings of my village chiefs and we assigned them  
9 tasks. Once in receipt of a master plan from the upper echelon, I  
10 had weekly meetings with village chiefs."

11 My question is: Did -- where -- from whom did you learn how to  
12 set the plan?

13 MR. YUN KIM:

14 A. For the action plan, we kind of developed it. However, in  
15 other times it was the instructions from the district level. And  
16 during our study session we also received instructions regarding  
17 how to make our plan.

18 [09.25.59]

19 Q. Can you elaborate further when you talk about the upper  
20 echelon, from which level up?

21 A. The upper echelon was the district and the sector levels.

22 Q. In regards to the upper echelon, you state -- you said early  
23 that you communicated with the upper echelon, having meetings  
24 with them, reporting to them. Did you know -- did you know that  
25 the upper echelon knew about any force labour or starvation

1 happening in your commune?

2 A. Regarding these matters, the upper echelon set a plan for us  
3 to run the cooperative. Regarding the food regime in the commune  
4 -- actually the instructions from the district is to have gruel  
5 for everyone. And if we were insufficient, we should share some  
6 ourselves.

7 But I did not implement the instruction regarding having gruel,  
8 but I never raised my objection during the meeting. I only said  
9 outside the meeting quietly that if they want people in my  
10 commune to eat gruel, then I should be removed from that  
11 position. Otherwise, I would allow my people to eat rice.

12 [09.28.07]

13 I noticed that at some points of the Party line instructed from  
14 the upper echelon, was for us to have rice for the people.

15 However, I could not recall which -- exact documents that they  
16 mentioned that point.

17 Because there was some instruction that in some cases where  
18 people did not have rice to eat and eat gruel, then that area  
19 should be examined whether the leadership was sufficient or have  
20 any plan for people to improve their livelihood, or whether the  
21 leadership in that particular area was a traitorous and not to  
22 allow people to have sufficient food.

23 In my area, people always ate rice. It was based on my principle  
24 that if people did not have sufficient to eat and they only eat  
25 gruel or tree root, then they would not have strength to work.

12

1 And in that sense I objected to that principle, if they want the  
2 area under my control to -- for the people there to eat their  
3 gruel, then they can remove me from my position. And I maintain  
4 that point strongly.

5 Then the upper echelon did not really do anything and they were  
6 my friends too, but at present they all passed away. So that is  
7 my response to your question regarding the food regime. Other  
8 areas -- in other areas, people might eat gruel, but not in - not  
9 in my commune.

10 When I was in Voadthonak, people ate rice. When I went to  
11 Sambour, people ate rice. And when I went to B-3, initially they  
12 ate a kind of steamed rice, but later on, of course, they had  
13 cooked rice to eat.

14 At that time, we received rice from the district and the quantity  
15 of the rice provided by the district was rather sufficient  
16 because we have about 500 to 700 youths working there, and then I  
17 allowed them all to have rice. That is my response.

18 [09.31.06]

19 Q. I have a few more questions concerning the arrest.

20 In the record of your interview you stated that you received  
21 letters from the district level concerning the arrest of Ta Chhi.  
22 After receiving the letter from the district level, had you ever  
23 received any other letters from the superior concerning the  
24 arrest?

25 A. When I was the Voadthonak commune chief or the chief of

1 Sambour commune and the B-3 youth site -- work site -- I had  
2 received an invitation for Ta Chhi. It was not an arrest warrant.  
3 They invited Ta Chhi to come to the district office, and that was  
4 the only letter I had ever obtained concerning the arrest of that  
5 person.

6 [09.32.17]

7 Q. Yesterday, you said the Sambour district committee had some  
8 immoral conduct with women that led to his arrest.  
9 My question is: As the chief of the cooperative, were you ever  
10 aware of any young people having committed a moral misconduct in  
11 your location?

12 A. In my cooperative, when it comes to morals, I had no knowledge  
13 of having seen young people having committed such acts. But there  
14 was some adults who had been engaged in these acts, but they were  
15 not arrested. They were just educated.

16 Now, I give you an example of a person who worked at the  
17 transport unit who had to transport the foods to a faraway paddy  
18 field. So during the time of his work, he spent a few nights  
19 midway and he had an affair with a woman. However, upon learning  
20 this, we had to refashion him and he was corrected, and without  
21 any arrest was ever being made.

22 [09.34.06]

23 Q. Had you ever gone through any training course on the morality?

24 A. During the Democratic Kampuchea regime, I had received  
25 trainings on morality because this matter was important. It was



1 vital because if it was breached, it would violate the Party's  
2 policy. So it was a kind of severe offence regarded by the  
3 regime.

4 So the people and I, myself, had to be very careful with this,  
5 and we also had to pay great attention to the young people. We  
6 did give them rights to get married, but they had to report to  
7 their respective superior for such proposal.

8 Q. As the chief of the communes and cooperative, had you asked  
9 for any permission to travel whenever you wished to?

10 [09.35.35]

11 A. When the travel was necessary when, for example, a person's  
12 biography had to be checked or followed up. Regarding young  
13 people, and if we learned that their family members could have  
14 been affiliated with some people or we would like to know their  
15 family background, then I had to travel.

16 However, the travel had to be allowed by a letter issued by the  
17 district level. However, I do not remember having travelled to  
18 any place for that because I had another important fish to fry  
19 during that time that I did not have to move from my place.

20 And I missed my parents who lived in Krouch Chhmar, but I never  
21 asked for such permission to visit them. We had a problem with  
22 this kind of family bond because we were far apart from the  
23 family.

24 Q. What about ordinary people, villagers? If they wanted to move  
25 from their village to other locations, what should they do? Did

15

1 they have to ask for permission -- but from whom?

2 [09.37.20]

3 A. It was very rare that anyone would ask for permission to go  
4 anywhere. Before the country was liberated, before -- in 1973 or  
5 1974, people would ask for permission to visit their parents. But  
6 after 1975, this was no longer the case because people who stayed  
7 in one place would remain in that location without moving.

8 And later on, when I became the head of the cooperative of Srae  
9 Khoean and I moved to B-3 work site, I allowed young people to  
10 visit home. People who had a faraway family could be allowed five  
11 days to visit their family members. Those who had family who  
12 lived in a nearby location, they would allow three days for that.  
13 For people who lived in Kaoh Khnhaer, which was far from the work  
14 site, and they would be allowed five days to visit their parents.  
15 At that time, if people moved to their hometown without  
16 permission, then they would not be allowed some rice when they  
17 came back, but that didn't happen at my cooperative.

18 [09.39.05]

19 Q. So this means that before 1975, freedom was allowed or people  
20 could move or had the liberty to move -- roam around, but this  
21 was no longer the case after 1975; is that correct?

22 A. Yes, it is correct. After 1975, the -- it was rather strict  
23 when it came to moving about easily. This did not only apply to  
24 ordinary people it also applied to the cadres of the Khmer Rouge,  
25 and people had no reason to move elsewhere anyway.

16

1 Q. Now we move to the structure of the district. You said there  
2 was three districts: Sambour, Snuol, and Kratie.

3 Now, with regard to Sambour district -- there was a commune  
4 called Sambour commune. Could you tell us the structure of the  
5 commune? How many officers were under this commune supervision?

6 [09.40.41]

7 A. During that time, there was a common office where there was a  
8 meeting hall, and also a house where the leaders of the district  
9 could stay. And there were two other separate offices, the  
10 economic office for dealing with logistics, including clothes and  
11 tools to be distributed to the cooperative. And another office  
12 was the social affairs office, which includes the medics, and  
13 also a security office where people would be detained. So there  
14 were three main offices altogether.

15 MR. VEN POV:

16 Mr. President, with your leave, I would like document D3 --  
17 document D232/61. ERN in Khmer, 00402522; English, 00412191; and  
18 French, 00434567.

19 MR. PRESIDENT:

20 You may proceed.

21 [09.42.54]

22 BY MR. VEN POV:

23 Q. In that, the question about your role to report to the Centre,  
24 and you said you had no idea. You indicated that what you learned  
25 is that the commune had to send a report to the district who sent

1 further to the province.

2 My next question is: What kind of report that you said was sent  
3 from commune to the district and to the sector, and how was it  
4 sent?

5 [09.43.36]

6 MR. YUN KIM:

7 A. As I already indicated yesterday, this report mainly was  
8 recorded from the meeting. For example, we had a regular meeting  
9 and any commune representative who had anything to talk about  
10 security, about agriculture and social matters and other aspects  
11 would be talked in the meeting and the minutes would be recorded.  
12 And, based on these records, the district would have to send  
13 these reports to the province. I had no idea what happened after  
14 this.

15 Q. Were reports ever sent by means of telegrams from the commune  
16 to the district level? Is that what you may know?

17 [09.44.45]

18 A. At the commune level, there was nothing like that. We only  
19 reported verbally, meeting the person to whom we reported to in  
20 person, and we -- I don't know how the reports would be carried  
21 from the district to the sector, but I believe that there was  
22 messengers who carried the documents.

23 Q. Mr. President, the same document on the same page, I would  
24 like to also quote the question in which you were asked that:

25 "When you referred to Phnom Penh, did you refer to Office 870?"

1 And you said:

2 "Perhaps it was that office, although I don't know much about  
3 this. And at that time, Nuon Chea was in charge of Kratie  
4 province because he often visited the province. I do not know any  
5 other person. I heard -- I know the -- I have heard of Khieu  
6 Samphan, Ieng Sary, Pol Pot, Ieng Thirith, but I -- that's all I  
7 know."

8 And now my question is: Do you know the roles of the senior  
9 leaders?

10 [09.46.19]

11 A. I know that Pol Pot was the Party secretary.

12 Q. What about Mr. Khieu Samphan what did he do after 1975? Have  
13 you ever heard about this or were you ever told about his role?

14 A. Mr. Khieu Samphan, so far as I have heard of, was the head of  
15 state of the CPK. I can't recollect the right term they used back  
16 then. I'm not sure I can say the term correctly.

17 Q. What about Mr. Ieng Sary? Who-- did you ever know what he did  
18 or were you ever told about his role?

19 A. I know this very clearly because I was told that Ieng Sary was  
20 the minister of foreign affairs.

21 Q. Thank you. I would like to move to another question concerning  
22 Sector 505. Are you aware of the structure or the offices  
23 surrounding Sector 505?

24 [09.47.56]

25 A. I am not certain about this because I don't know much about

1 that place. Indeed, I was invited to attend study sessions there,  
2 but then after the sessions, I would just come home.

3 Q. You said that 505 was an autonomous sector who received direct  
4 order from the Centre.

5 My question is: Did you know why 505 was named a special or  
6 autonomous zone -- rather, autonomous sector?

7 A. 505 became autonomous sector was heard, but I have no idea why  
8 it became the autonomous sector.

9 Q. The next topic would be about the military structure. You had  
10 been in the Revolutionary Movement for a long time. According to  
11 your experience, do you think you can tell the Court about the  
12 military structure, to the best of your recollection?

13 [09.49.47]

14 A. With regard to the military structure, I don't know. But I  
15 know that in the communes, there were commune chiefs who were  
16 overally (phonetic) in charge when the deputy chief of the  
17 communes were in charge of military. I had no idea what happened  
18 with regard to the structure at the provincial level when it  
19 comes to military.

20 Q. How many kinds of military units or sections were there under  
21 division 5 -- rather, Sector 505?

22 A. In this sector, I know that there were sector military.  
23 However, I have no idea whether there were any other kinds of  
24 military. I know that there were a division. However, I have no  
25 knowledge about this.

20

1 In Thma Kreae, there was a division named 801. They stationed at  
2 the pagoda in Thma Kreae location. That's all I know. But I don't  
3 know how military was organized or structured.

4 [09.51.30]

5 Q. In Sector 505, were you aware that the military had the  
6 authority to arrest any people who perceived enemies?

7 A. Military had no role in the arrests. It was the security who  
8 was in charge of arresting people. Military was not vested with  
9 the authority to do so. They were expected to attack the enemies  
10 at the border when needed, that's all.

11 Q. I would like now to move to another topic concerning the  
12 forced marriages. Yesterday, you testified before the Chamber  
13 that you helped arrange when there were proposals for marriages  
14 from the district and there were proposals from Division 920 as  
15 well concerning the marriages.

16 Were you aware that there were proposals in which the persons who  
17 proposed were the wounded or the handicapped soldiers who  
18 proposed to get married with women?

19 [09.53.06]

20 A. As I already indicated, when I was the chief of the youth  
21 unit, there were proposals from the military unit through the  
22 district committee to -- for the marriage -- for 30 women to get  
23 married to the soldiers.

24 However, in my location, there were some volunteers, women who  
25 volunteered to become the wives of those soldiers. There was no

1 coercing measure or kind of force. And I have no idea whether the  
2 women got married with the handicapped soldiers or not because  
3 that marriages didn't happen in my location.

4 [09.54.13]

5 Q. Were you aware that women in the community would protest  
6 against such proposals? And if it happened, what happened?

7 A. I had never heard or encountered such incidents where people  
8 denied such a proposals. The women who had been proposed by the  
9 military was out of my hands when they were at the military  
10 section, and women in my cooperatives had no such problems  
11 because at our work site, no marriages were ever organized.  
12 And in the cooperatives, if the couples had consent to get  
13 married, then we had to arrange for them and there was no  
14 protest.

15 [09.55.26]

16 Q. Now we move to another topic concerning the treatment of the  
17 Muslim people or Cham. You say that in some cooperatives pork was  
18 forced to be given to the Islam or Chams people. Could you please  
19 describe more about this?

20 A. With regard to the eating habits, there was no rule to say  
21 that the Cham people had to be given pork. Everyone had to have  
22 -- eat food like pork.

23 In the cooperatives, I had no information about this, but I can  
24 say that only people who worked at the kitchen who would be the  
25 ones who offered the pork to some Cham people. If there was no --



1 enough from these people, then they would be offered prahok  
2 instead.

3 [09.56.55]

4 Q. Now I move to B-3. You said you was the head of B-3 unit, and  
5 in 1978 there was a big flood when youth were gathered to solve  
6 this problem. However, in the work site, there were about 100  
7 peasants, and you said that you complained of the shortage of  
8 workforce and you asked for more people to help.

9 So could you tell us about the plan? What kind of plan was there  
10 and who really ordered it?

11 A. Yesterday, I stated already that on the 11th of June 1978, the  
12 district committee asked me to be in charge of the work site when  
13 my predecessor, Mr. Saroeun, left. I was asked to clear 100  
14 hectares of land because I was asked to do that, and they said  
15 that I had 450 people. We had machetes. We had tools, hoes, and  
16 everything. And I said I would be in great danger because if I  
17 could not really implement a plan, then I would be in big  
18 trouble.

19 [09.58.46]

20 At night, I would think about this. I thought that there were not  
21 enough tools, so I came back home and I requested that the  
22 worksmith -- rather, the blacksmiths had to make some machetes  
23 and tools were made to help clear the land. And the people had to  
24 be assisted by elephants so the big trees that were chopped down  
25 would be pulled by the elephants.

1 [09.59.36]

2 So, with that, I knew that I could not be in danger and indeed,  
3 in 1978 there was a very big flood in the Mekong River. It was  
4 the biggest since I was born. And when the water receded they had  
5 forces to help with this. So I asked -- I asked the district  
6 committee that forces cannot be removed to assist the district  
7 because I had to achieve the plan rendered to me by Angkar. But  
8 the district committee said that I would be okay with my plan  
9 whatever I could do, it was up to me.

10 However, I kept insisting that I needed some people to help me to  
11 ensure that it was successful, and I kept saying that I needed  
12 people.

13 Without my intelligence when I took some elephant to assist the  
14 work, I wouldn't achieve a great success there.

15 MR. VEN POV:

16 I'd like to show document D232/31, the English ERN 004151 -  
17 412193, and in French, 00424568.

18 MR. PRESIDENT:

19 (No interpretation)

20 [10.01.34]

21 BY MR. VEN POV:

22 Q. The question is: "Can you recall what Nuon Chea said at the  
23 time?"

24 And your response was: "The main content was that, wherever it  
25 was difficult, then the mutual assistance shall be done. And at

1 other locations, which it was rather difficult, then a low-level  
2 cooperative shall be established. And where it was rather easy,  
3 then the high-level of cooperative shall be established."

4 [10.02.13]

5 The question is: In your entire commune, when the communal  
6 eating started?

7 MR. YUN KIM:

8 A. As I stated yesterday, when Nuon Chea went to give  
9 instructions on the establishment of the cooperative, that is the  
10 low level and the high level and the mutual assistance are  
11 grouped based on the real situation at the base.

12 [10.02.40]

13 For instance, if they are rather well-off and they be convinced--

14 MR. PRESIDENT:

15 Mr. Witness, your response is repetitive. It is not the content  
16 of the question.

17 The question is: In Sector 505, when the communal eating  
18 started? Your question -- your answer was already given to the  
19 Prosecution yesterday. Please respond only to the point that you  
20 are asked in the question.

21 MR. YUN KIM:

22 Communal dining in Sambour district, of course, I did not have  
23 the knowledge of the entire Sector 505 at the commune. It was  
24 started in 1973, after instruction given by Nuon Chea. Then Chet  
25 implemented straight away, and nobody dared to object, as he said

25

1 that if people dare not do it, then we just appointed people to  
2 organize it. And that was the orders from Chet.

3 [10.04.10]

4 MR. VEN POV:

5 Mr. President, I do not have any more questions for this witness.

6 And thank you, Mr. Witness.

7 And next I would like my colleague to put question to you.

8 MR. PRESIDENT:

9 Thank you.

10 Now, the international Lead Co-Lawyer, you may proceed.

11 QUESTIONING BY MS. SIMONNEAU-FORT:

12 Yes. Good morning, Mr. President. Good morning, Your Honours.

13 Good morning to everyone in and around the courtroom. And good  
14 morning, Witness.

15 Q. I have very few questions to put to you because you already  
16 have provided us with a lot of explanation. I simply would like  
17 to ask you, however, a few more questions to try to get extra  
18 specifications on certain points.

19 [10.04.58]

20 My first question regards the living conditions in the  
21 cooperatives. You said that you had received instructions making  
22 -- and that you said that in your cooperative you made sure that  
23 people ate to their fill. And you also tried to make sure that  
24 the rules would be more lenient than the rule -- than the  
25 instructions that were given to you.

1 I would like to know, therefore, if, during the meetings you had  
2 with the other cooperative leaders, you heard about the living  
3 conditions in other cooperatives and if, for example -- if you  
4 heard about certain places where people did not have enough to  
5 eat.

6 MR. YUN KIM:

7 A. Regarding the livelihood of the people in Sambour commune, of  
8 course, I could not grasp of the situation in other communes. The  
9 people in Sambour commune, unlike the other communes where people  
10 only ate gruel, though the gruel is not that -- was not that  
11 watery, it was rather thick gruel.

12 And besides eating gruel, there was supplementary food like  
13 potato, for instance. So livelihood and food was not really a big  
14 problem. As under my management at Sambour commune, people ate  
15 rice. So wherever I administered, people under my supervision ate  
16 rice.

17 [10.07.05]

18 Q. Witness, please forgive me; my question is not this one.

19 My question is: Did you hear, during your meetings with other  
20 cooperative leaders and other commune leaders -- if you heard  
21 that in other cooperatives or in other communes than those under  
22 your authority -- whether there were problems of food, whether  
23 people did not eat to their fill in different places from what  
24 was under your control.

25 A. There was no report about the food shortage in other communes

1 during the meeting. However, as I said, in other cooperatives  
2 people ate gruel not rice.

3 [10.08.01]

4 Q. Did you hear about very strenuous working conditions in other  
5 cooperatives than yours, for example, when you were speaking to  
6 other cooperative leaders or during meetings?

7 A. Yes, I heard about that. For example, they worked in a commune  
8 after I left. I went to visit there occasionally. People there  
9 told me that the target groups were rather strict as they were  
10 woken up at 3 a.m. and some children slept on the rice dyke. So,  
11 sometime, people at a certain target groups tries to force people  
12 to work harder. This is just an example.

13 Q. Did you also hear about people who became ill because they did  
14 not have enough food or because they were working too hard? Or  
15 did you hear about people who would die because of lack of food  
16 or because of working conditions that were too strenuous or  
17 because of both?

18 A. Regarding the health of the people in Sambour district, we did  
19 not experience such a problem. People got sick not because of the  
20 food ration -- people got sick because of other illnesses, in  
21 particular, malaria. Many people got sick of malaria and I,  
22 myself, was also hospitalized due to malaria, and the medicine  
23 for the treatment was rather limited.

24 Q. Thank you, Witness.

25 Before I move on to another topic, I would like simply to

28

1 indicate to the parties and to the Chamber that we have here a  
2 document, D22/517, which is the statement of a civil party who  
3 lived at the cooperative under the witness's control. Maybe the  
4 witness could give us extra information. So I would simply like  
5 to give you the reference of -- the reference number of this  
6 document such as the Prosecution has done for other documents.

7 [10.11.22]

8 I wish now to ask you another question on another topic. You  
9 explained -- or you said in your statements to the  
10 Co-Investigating Judges, and you said here as well, that you had  
11 learned about the arrests of many people, of cadres, and you  
12 explained as well the way that these arrests took place. That is  
13 to say you said people were invited -- and you insisted upon  
14 loose term "invite" -- to a meeting and the person was arrested  
15 during the meeting.

16 Did you discuss with the other people the way these arrests took  
17 place? And what would you say among each other regarding these  
18 arrests -- regarding the way these arrests took place and  
19 regarding the reason why these people were arrested?

20 [10.12.27]

21 A. Regarding the arrest, I, myself, never discussed with any  
22 others. Some of my friends actually disappeared, but I did not  
23 meet in secret and talk about these arrest. Of course, some of  
24 the friends were arrested but we never discuss about that on --  
25 never express our concern that maybe next it will be our turn.

1 [10.13.08]

2 Q. Why didn't you speak about this?

3 A. First, we were concerned. For example, if Mr. A. was arrested  
4 and we talked about his arrest and the reasons for his arrest,  
5 then it -- we start -- we would start to mistrust one another.  
6 Because, if we talk about that and if there was a report that we  
7 talk about that, then we would put ourselves in danger. So we  
8 just keep quiet and we thought of what we should do in order to  
9 survive.

10 Q. Thank you, Witness, for this clarification.

11 You also said that the district asked you to organize or classify  
12 the people in three categories and in particular, the third  
13 category, the new people, and you said that you were not going to  
14 carry out this classification.

15 But when you were explained how this three-category  
16 classification operated, were you also told how or by which  
17 concrete means in day-to-day life this was going to be  
18 implemented?

19 Were there differences in terms of food -- were there differences  
20 in terms of housing for the different categories of people?

21 [10.15.11]

22 A. During the Democratic Kampuchea regime, the food regime was  
23 not separated for any particular group, for example for different  
24 classifications of people. I did not know the actual reason for  
25 the classification of people -- that is, the full-rights people,



30

1 or the Base People, and the candidate people group.  
2 Candidate people group could be the Base People who had the kind  
3 of tendency to oppose the Party, and the depositee group was  
4 those who were the New People. However, as I said, although there  
5 was instruction for the classification, it was only written in  
6 the book for the report, but actually I never classified the  
7 people under my supervision.

8 [10.16.27]

9 Q. Thank you.

10 I now wish to put to you a question regarding marriages, in the  
11 way these marriages took place.

12 You told us that marriages in the army would take place upon  
13 orders from the upper ranks and you said that through the  
14 districts you received a request to marry 30 young maids. And you  
15 also explained that the maids received a number, as well as the  
16 young men, and people would marry according to number.

17 But were you also told the reasons why it was necessary to get  
18 married in this way, with numbers that were attributed? Were you  
19 given the reasons why things were organized this way because I  
20 believe that before, people married freely and upon free, private  
21 choice?

22 [10.17.32]

23 A. Regarding the women who were requested by the military from my  
24 worksite, I did not know much about their wedding. However, I  
25 once attended a meeting in the adjacent commune and what I

1 noticed were that the women, the bride and the groom, they wore  
2 number each, and there were about 10 couples at a time. So women  
3 bearing number 1 had to get married to a man bearing the number  
4 1, so on and so forth.

5 However, when it comes to the issue of whether the marriage was  
6 forced or consented, I did not know. I only attended and that's  
7 what I observed in this multi-couple marriage arrangement by  
8 having the bride and the groom wearing a number each.

9 Q. Thank you. Well, simply, I would like you to tell us -- or I  
10 believe that this way of marrying was different from the way  
11 people got married before the regime of Democratic Kampuchea. So  
12 why were marriages taking place in this new way?

13 A. I thought that the marriage under the Democratic Kampuchea  
14 regime by having the bride and the grooms wearing a number each  
15 in a multi-couple arrangement was for them to save time, and to  
16 save food and other stuff. This is just my observation and  
17 thinking.

18 [10.19.57]

19 In the cooperative sometimes I also organize a wedding ceremony,  
20 and the most were two couples for that marriage arrangement, and  
21 sometime we killed a cow for the marriage.

22 Q. Thank you, Witness.

23 Now, I would like to bring up a last topic. You told us that you  
24 received instructions that you would produce reports and you  
25 spoke at length about the hierarchy. And a few minutes ago, you

1 spoke about the Centre and you also spoke about Mr. Nuon Chea,  
2 and you said that he had supreme authority because he was part of  
3 the Centre.

4 What do you mean by "supreme authority"? What does that mean  
5 exactly?

6 A. I refer to the supreme leadership level.

7 Q. What does that mean, according to you, "supreme authority",  
8 and on the basis of your experience under the Democratic  
9 Kampuchea regime?

10 [10.21.50]

11 MR. PRESIDENT:

12 Mr. Witness, please hold on.

13 Defence Counsel, you may proceed.

14 MR. ANG UDOM:

15 Good morning, Your Honours. Good morning, everyone in and around  
16 the courtroom. The witness stated that the supreme authority  
17 referred to the supreme leadership level, and the follow-up  
18 question is "what does that mean". I believe the follow-up  
19 question is for the witness to make a guesstimation or a personal  
20 conclusion.

21 MR. PRESIDENT:

22 The objection is sustained.

23 Mr. Witness, you do not need to respond to this question. You  
24 cannot reply to a question which seeks your personal opinion  
25 regarding the events that took place.

1 [10.23.06]

2 The question that is put to the witness shall be the one of the  
3 nature that he have seen, has witnessed, or has experienced  
4 through the events occurred during the DK period.

5 MS. SIMONNEAU-FORT:

6 Mr. President, I will abide. I am simply telling you for the  
7 record that I believe that the witness was able to explain  
8 technically what the word "supreme authority" meant in technical  
9 terms, not in terms of what he may suppose from that.

10 However, I am finished with my questioning. Thank you, Witness,  
11 for your useful contribution.

12 MR. PRESIDENT:

13 Thank you.

14 Judges of the Bench, do you have question to be put to the  
15 witness?

16 Judge Lavergne, you may proceed.

17 [10.24.13]

18 JUDGE LAVERGNE:

19 Yes. Thank you, Mr. President.

20 QUESTIONING BY JUDGE LAVERGNE:

21 Q. Good morning, Witness. I have a few questions following up on  
22 what was already discussed, and I would like to revisit your  
23 responsibilities as the head of Sambour commune and then as  
24 leader of Srae Khoean cooperative.

25 You told us that Sambour commune was divided into two

1 cooperatives. Can you tell us which villages were included in  
2 Srae Khoean cooperative, or dependent upon Srae Khoean  
3 cooperative?

4 [10.25.01]

5 MR. YUN KIM:

6 A. The Sambour commune had eight villages, and when it was  
7 divided into two cooperatives the Srae Khoean had two -- had four  
8 villages: Srae Khoean, Char Thnaol, Samraong, and Kaeng Prasat.

9 [10.25.38]

10 Q. And these four villages, were these four villages -- Kaeng  
11 Prasat, Srae Khoean, Char Thnaol and Samraong -- were those the  
12 four villages? I apologize for the Khmer pronunciation.

13 A. Yes, that is correct.

14 Q. And did Srae -- was Srae Khoean cooperative also known as  
15 Kaeng Prasat cooperative?

16 A. Srae Khoean cooperative is Srae Khoean cooperative, not Kaeng  
17 Prasat. However, Kaeng Prasat is part of the Srae Khoean  
18 cooperative. It is one of the four villages in Srae Khoean  
19 cooperative.

20 [10.26.42]

21 Q. Where was the security centre -- where was the Kok Kduoch  
22 Security Centre precisely located?

23 A. Kok Kduoch Security Centre was located in Kaeng Prasat  
24 village. It was about 3 kilometres from the river bank.

25 Q. And was the Koh Sam Tauch Security Centre also part of Kaeng

1 Prasat village -- or the Kaeng Prasat Centre?

2 A. Koh Sam Tauch is a small island to the upper part of the Srae  
3 Khoean. It was not a major security centre. However, some  
4 prisoners were detained at Sam Tauch and their task was to engage  
5 in vegetation and to raise cattle as there were plenty of water  
6 and the soil there was fertile for vegetation.

7 Q. And was Kok Kduoch Island located at the limits of Srae Khoean  
8 cooperative?

9 [10.28.41]

10 A. Kok Kduoch Office was not in Srae Khoean cooperative, although  
11 it is physically located there, but it was under the supervision  
12 of the district.

13 Q. And can you remind us of who was in charge of Kok Kduoch  
14 Security Centre?

15 A. Regarding Kok Kduoch, I did not know who was the chief of the  
16 centre who stationed there, but previously it was under the  
17 management of Kung Samon (phonetic). But when he was transferred  
18 to be chief of the Voadthonak commune, I believe Kin Chorn  
19 (phonetic) replaced him. And later on, when Samon was arrested  
20 from Voadthonak, then Kin Chorn (phonetic) replaced him at the  
21 Voadthonak commune. And since then, I did not know who was in  
22 charge. But the one who was stationed there was Saroeun. I used  
23 to work together with him. And later on, Be Meng An was assigned  
24 as a secretary at Kok Kduoch.

25 [10.30.24]

1 Q. I just want to make sure that I understand completely. Did you  
2 say that Sarun (phonetic) was during a period at the head of Kok  
3 Kduoch?

4 A. Could Your Honour repeat the question? Are you referring to  
5 Saroeun or Sarun? If Saroeun, in that case, he, of course, was in  
6 charge of that location.

7 Q. Yes. I will attempt to be much more specific. Now, again, I  
8 apologize for my pronunciation, but you indicated that Sarun --  
9 or Saroeun was at the head of B-3. Was the person who was chief  
10 of B-3 also the chief of Kok Kduoch?

11 A. B-3 and Kok Kduoch were two different locations. Kok Kduoch  
12 was the security office of Sambour.

13 B-3, before it was converted into the youth work site, was also a  
14 security office where cadres were guarded from other districts to  
15 be detained at the B-3 location. So one location was for the  
16 province, one for the district.

17 [10.32.11]

18 Q. I'll have to repeat my question because, unfortunately, you  
19 have not answered it. Now, did -- was Saroeun also at the head of  
20 Kok Kduoch? Saroeun was the person that you had succeeded.

21 A. Saroeun was not the chief of security office of Kok Kduoch.  
22 There was another Saroeun, who was in charge of Kok Kduoch  
23 Security Office. So, in all, there were two Saroeuns.

24 Q. Yesterday, you told the Court and you also said during  
25 previous interviews that you were head of the Srae Khoean

1 cooperative and you were also later on head of B-3. You were a  
2 deputy. There was also a deputy. Can you please remind the Court  
3 who that person was?

4 [10.33.25]

5 A. When I resumed my position at B-3, the youth unit, I came  
6 there with two people, with the person named Pen. Pen was  
7 assigned by the district to work with me. Three months after  
8 that, he had been transferred to become the head of the  
9 Voadthonak cooperative when his predecessor was arrested.

10 Q. Was Pen also your deputy when you were head at Srae Khoean?

11 A. Pen was my deputy at Srae Khoean cooperative and he also was  
12 assigned to assist me when I worked as the head of B-3.

13 Q. Can you please tell us in what circumstances Pen died?

14 A. When Pen became the head of the Voadthonak cooperative, he had  
15 remained there until the 7th of January 1979. He returned from  
16 the -- his place to Preaek Krieng, where he was beaten to death  
17 by the villagers.

18 [10.35.40]

19 Q. Therefore, he was executed by the people. Why was he executed,  
20 in your opinion?

21 A. I don't know for sure and I did not conduct any research on  
22 this. However, there was rumour that there was some revenge, and  
23 that some belongings of the people who were executed were left  
24 with him. So they -- he was beaten to death when people came to  
25 collect the belongings of the deceased.



1 JUDGE LAVERGNE:

2 Mr. President, I don't know if it's an appropriate time to break  
3 for this morning's session. I do have a few more questions to put  
4 to the witness, however.

5 MR. PRESIDENT:

6 You may proceed, Judge Lavergne.

7 [10.37.08]

8 BY JUDGE LAVERGNE:

9 Q. Witness, can you please speak to us a little bit more about  
10 B-3? You stated that B-3 had previously been a security centre.  
11 Can you please tell me, when you arrived at B-3, who were the  
12 people living in B-3? Did they remain at B-3? What happened to  
13 them afterwards?

14 MR. YUN KIM:

15 A. B-3 was a location where committees of the cooperatives and  
16 district committees who were regarded as enemies detained. So  
17 people who were to be punished were detained at B-3. Although the  
18 location was not regarded as the severe security office, it was  
19 regarded as a re-correction camp.

20 So people had freedom to work as people in the cooperatives. They  
21 could do farming and other normal tasks as the others did in the  
22 cooperatives. However, I have no idea when B 3 was emptied, but  
23 after the 17th of April 1978, youth were moved to that location  
24 at B-3 under supervision of Saroeun. And I was told that Saroeun  
25 was not good at that because he used violence, military

1 authority, or too harsh, and I was requested to replace him at B  
2 3.

3 When I arrived at B-3, I only saw the youth who were doing  
4 farming, clearing land. There were about 50 sheds. In each shed,  
5 10 people would stay in and also a kitchen. And there were no  
6 shackles, and I can say that people who had been detained at B-3  
7 were not those who committed serious wrongdoings. They were there  
8 to be educated.

9 [10.40.22]

10 Q. They were not shackled, but were there security officers? Were  
11 there people who were responsible for monitoring them and for  
12 making sure that they would not try and escape B 3?

13 A. As I indicated, I came to B-3 at a later date, after the  
14 cadres who had been detained at the vicinity had already been  
15 removed. So, none of them remained, instead of the youth who had  
16 been transferred in by late of April. So the situation at B-3  
17 during the time when the cadres had been detained was out of my  
18 knowledge.

19 Q. Mr. Witness, during your interviews before the investigators  
20 of the Co-Investigating Judges, you stated that there were some  
21 450 young people and an additional 250 young people.

22 If I understand correctly, at some point there were as many as  
23 650 young people who were located at B-3. Is this a correct  
24 understanding?

25 [10.41.58]

1 A. Indeed, at B-3, there had been 450 youth at the place already.  
2 Later on, under my supervision, there were about 250 young people  
3 who had to be transferred to the B-3. Altogether, there was about  
4 700 young people. But the new youth -- or the newcomers were  
5 transferred there for a few months only before they further  
6 removed and the previous youth remained in the B-3.

7 Q. We'll come back to the issue of the newcomers later on, but  
8 can you please tell us -- can you please confirm that B-3 was  
9 located in the forest? Was it located in an area where malaria  
10 was rampant? Was it located in an area where there was no  
11 farming, where people were being ordered to clear the lands?  
12 Can you please tell the Court if there were up to 700 people  
13 living in a location where there was absolutely no service --  
14 where they were completely isolated, where the living conditions  
15 were particularly difficult and where there was no possibility  
16 for leaving?

17 [10.43.49]

18 A. B-3 was not a location where we had concern regarding youth  
19 who would flee. There were two medics who were on duty at that  
20 vicinity. There were decent medicine to help treat people when  
21 need be. And when I was there, I noted there were some cases of  
22 malaria, but they were not very serious. I, myself, was also -- I  
23 had the malaria but was treated. So we had no worries about  
24 people escaping.

25 Q. Very well.

41

1 You stated that you had to implement the plan that was given to  
2 you. Therefore, you did not require assistance from the district.  
3 And if I understand correctly, following those observations that  
4 you made, you witnessed the arrival of newcomers. Can you please  
5 tell us where those young people were coming from?

6 [10.45.34]

7 A. These young people -- new young people who came to B-3, the  
8 250 people came from Memot, of Kampong Cham province. I'm not  
9 sure why they were transferred to my location, but I know for  
10 sure that in Ta Maung village, it was adjacent to the Vietnamese  
11 - Cambodia-Vietnam border.

12 MR. PRESIDENT:

13 I know that there are some more questions, although Judge  
14 Lavergne said that there would be two questions, but it appears  
15 that he would have a few more questions, so we should take the  
16 adjournment now until 11 o'clock.

17 Court officer is now instructed to assist the witness during the  
18 recess and have him return to the courtroom by five past 11.

19 (Court recesses from 1047H to 1106H)

20 MR. PRESIDENT:

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

22 Judge Lavergne, you may continue with your questioning of this  
23 witness. You may proceed.

24 [11.07.12]

25 BY JUDGE LAVERGNE:

1 Thank you, Mr. President.

2 Q. Witness, I would like to revisit the issue of the 250 extra  
3 youth who came to work at B-3. And you told us that they all came  
4 from the same place, from Memot district. And I would like to  
5 know, were these people who were Cham or were these Khmer?

6 MR. YUN KIM:

7 A. The 250 youths coming from Memot, they were all Khmer.

8 [11.07.58]

9 Q. And you also told us that if they had been sent to B-3 it was  
10 because it was deemed that they were -- they had sympathy towards  
11 the Vietnamese. Do you confirm this?

12 A. What I knew was that they were living close to the  
13 Kampuchea-Vietnamese border. I did not know the actual reason for  
14 them being sent to the centre -- to the area under my  
15 supervision.

16 Q. Well, in your statement, which is indexed D125/184 or E3/368,  
17 you said: "These people, Tramung were accused of being affiliated  
18 with the Vietnamese."

19 Does this remind you of anything?

20 A. I only knew that they were living close to the Kampuchea and  
21 Vietnamese border, but I was not sure if they had any real  
22 connection or affiliation with the Vietnamese. I presume they  
23 must have some sort of affiliation with the Vietnamese for the  
24 reasons they were sent there.

25 [11.09.53]

1 Q. Were you informed by the district of the arrival of these  
2 youths? Was this discussed during a meeting?

3 A. When the 250 youth arrived, the district also gave information  
4 upon their arrival. The information was that 250 additional  
5 forces were added to the existing forces and they were from the  
6 Ta Maung commune in Memot district -- in Memot district which was  
7 close to the Vietnamese border.

8 Q. This is a district that did not depend upon Sector 505 is that  
9 correct? But at the district level, were you told that certain  
10 requests had been addressed to the higher authorities to transfer  
11 this population?

12 [11.11.13]

13 A. I did not grasp hold of that situation. I was at the work  
14 site, and when they arrived, I was told that an additional 250  
15 persons were brought in.

16 Q. And did these 250 people disappear suddenly? What happened to  
17 them?

18 A. They stayed at my work site for a little bit more than two  
19 months. Then they were moved out, and I heard that they were sent  
20 to Kampong Thom. That's all I knew. They were moved to Kampong  
21 Thom, and until now I still do not know if any of them survived.

22 Q. Well, maybe I didn't pay enough attention earlier on - when --  
23 so I would like you to tell me clearly where B-3 was located.

24 A. B-3 was located -- if you go there currently from Sandan, it  
25 was on national -- on Road 7, but there is a new road built which

1 would go directly to Stung Treng. That is the old road to Stung  
2 Treng from Sandan commune.  
3 Sandan commune is 24 kilometres from the Kratie provincial town,  
4 and on the old road through Stung Treng, for about 15 kilometres  
5 there is an unpaved road leading off the National Road, and in  
6 about 3 kilometres, we would reach Ou Kakot (phonetic) and that's  
7 where B-3 was located. It was also known as Srae Rong or B-3. And  
8 the Srae Rong was also split into two. One was for a residential  
9 area for the people and one was the work site. The upper one was  
10 for the work site and the lower part was where people farmed the  
11 field.

12 [11.14.12]

13 Q. So was B-3 located close to a village called Kakot, which is  
14 located in Sambok commune, Kratie district, Kratie province?

15 A. B-3's location was near Srae Rong village. No villagers stayed  
16 there. It was a rice field. Currently, B-3, in terms of its  
17 location then, is in -- is partly in Kratie district and partly  
18 in Sambour district. So it was split half-half within these two  
19 districts.

20 Q. I would like to revisit the arrival of the New People. You  
21 told us that when you took charge of Sambour cooperative or  
22 commune, you saw more than a hundred families - a hundred 17  
23 April families. Well, 100 families, that represents how many  
24 people?

25 [11.15.50]

1 A. The New People who were evacuated from Phnom Penh to Sambour  
2 district, there were about 100 families of them, but I could not  
3 know exactly the number of people. I could not know the actual  
4 number.

5 Q. Were there any ethnic minorities in Sambour commune?

6 A. In Sambour commune there was no ethnic minority. They were all  
7 Khmer. However, in Sambour district, there were mainly minority  
8 groups.

9 JUDGE LAVERGNE:

10 So I would like to present to the witness a document, document  
11 D125/8, and this is a witness interview.

12 And for reasons of confidentiality, we're not going to reveal the  
13 name of this witness, but however, Mr. Yun Kim and his counsel  
14 can have access to this information. So I believe that,  
15 therefore, we can give document D125/8 to Mr. Yun Kim and to his  
16 counsel.

17 [11.17.36]

18 MR. PRESIDENT:

19 Yes, you may do so.

20 Court Officer, could you deliver that document to the witness and  
21 his duty counsel for examination?

22 Duty Counsel, please just read the name only of the person on the  
23 record in order to confirm that that is the person and, of  
24 course, his identity cannot be revealed. Do not speak out the  
25 name of the person on this written record of witness interview.



1 That is pursuant to the protective measures for witnesses.

2 [11.18.30]

3 BY MR. LAVERGNE:

4 Q. So for the requirements--

5 MR. PRESIDENT:

6 Defence Counsel, you may speak.

7 MR. IANUZZI:

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

9 Your Honour, I have a request for clarification. Is this witness  
10 -- the name of the witness on the statement that's just been  
11 presented to the current witness, is that witness scheduled for  
12 testimony? Because, as I understand, the rule in this Chamber,  
13 witnesses can only be presented with witness statements of  
14 witnesses who are not coming to testify. You'll correct me if I'm  
15 wrong.

16 MR. PRESIDENT:

17 Judge Lavergne, could you please respond to the query by the  
18 defence counsel for Nuon Chea?

19 [11.19.35]

20 JUDGE LAVERGNE:

21 Well, I'm afraid that I have to do a bit of research about this  
22 because I'm not sure that this witness is on the list of  
23 witnesses who will appear before the-- I don't think so, so we  
24 have to verify this. And I see that the prosecutor, here, might  
25 have some information.

1 MR. PRESIDENT:

2 The Prosecution, you may proceed.

3 MR. LYSAK:

4 Yes, Your Honours. This witness is not among the witnesses who  
5 have been selected to testify and I do not believe this witness  
6 is even proposed by us a trial witness. So I can confirm that  
7 information for you.

8 MR. IANUZZI:

9 That suits our purposes, thank you.

10 BY JUDGE LAVERGNE:

11 Very well.

12 Q. Well, for the record I'm going to give you the ERN references.  
13 So, in Khmer, 00194474 to 00194480; French, 00272304 to 00272310;  
14 in English, 00272297 to 00272303.

15 So this is a witness who claims that he was part of a unit of  
16 militia men, and he says that in 1976 he was placed in a  
17 cooperative located in the village of Kaeng Prasat and he  
18 described the working conditions in this cooperative. And he  
19 states the following -- it's on page 3 of the French version:

20 [11.21.43]

21 "Between July -- in June-July 1976, they pulled me out to go to  
22 work in the cooperative here in the village of Kaeng Prasat. They  
23 had us work day and night, working the rice fields, farming,  
24 doing everything, minding cattle and buffaloes, growing  
25 vegetables. There was no free time. In those days, there were not

1 yet any machines to mill rice; they used manpower, from 20 to 30  
2 persons a day to thresh rice. The food was insufficient; we ate  
3 communally. Sometimes there was rice for one meal or gruel for  
4 one meal, that's all.

5 In late 1976 and early 1977, the New People came into every  
6 cooperative, and the New People from various places became the  
7 majority. Some were New People who had been sent to Sector 505  
8 from the East, from Kampong Cham. When the 17 April People  
9 arrived, they did not say anything. Some died from hunger. People  
10 from the East died from not having had enough to eat previously,  
11 and some died due to lack of medicines."

12 [11.23.25]

13 Then he explains a bit further what are the different sanctions  
14 imposed upon people who broke the rules and he says that later on  
15 he was removed and that he was relocated to Voadthonak --  
16 Voadthonak cooperative, in Voadthonak village, for one year. And  
17 he did not know the head of this cooperative.

18 However, he says further:

19 "I do not -- I only remember Ta Kham, who was the head of Kaeng  
20 Prasat village cooperative. His home village was in Os Khnol  
21 (phonetic). Today he lives in the village of Voadthonak,  
22 Voadthonak commune, Sambour district, Kratie province."

23 So, Witness, can you -- what I have read out to you now, does it  
24 seem to correspond to what actually happened or is this something  
25 different from what you actually experienced? And, according to

1 you, who may be Ta Kham who was the head of the Kaeng Prasat  
2 cooperative?

3 [11.24.54]

4 MR. YUN KIM:

5 A. Allow me to explain to you. The statement of the witness is  
6 not that accurate. The names mentioned in this written record of  
7 interview were -- in fact, he was from the district security but,  
8 later on, he was appointed as the cooperative chief of Srae  
9 Khoean and later he was transferred to become the commune chief  
10 of Voadthonak. And later on he had been arrested but luckily he  
11 survive.

12 [11.25.46]

13 That statement, again, is not clear and accurate, so I cannot  
14 accept this statement, chiefly at the Kaeng Prasat -- or Srae  
15 Khoean cooperative because I, myself, supervised that  
16 cooperative.

17 Q. So, to complete what is in this statement, I would like to let  
18 you know that the witness said that he had been arrested later on  
19 and that he had been led to Kok Kduoch and that the head of Kok  
20 Kduoch Security Centre was called Tann Saroeun back then, and he  
21 had succeeded a so-named Bon.

22 [11.26.50]

23 Do you have any comments to make about this?

24 A. Regarding the supervisor of Kok Kduoch, although I was at the  
25 Srae Khoean cooperative in Kaeng Prasat village, near Kok Kduoch,

1 I did not know for sure who was supervisor. I already knew that  
2 Saroeun was in charge at that worksite, but I did not know who  
3 the chief was, and I did not know about their predecessors.  
4 The person, Mr. Iem, probably knows more than me regarding who  
5 was the chief of the site, as his helpers are rather close to  
6 that location.

7 [11.27.46]

8 Q. Did you ever hear about the place called Commune 100 --  
9 Commune 100 -- and which a priori was a commune where they would  
10 clear the forest by sending maybe Lon Nol's soldiers to do the  
11 work or former officials from the former regime?

12 A. I did not know about the 100 Commune. I heard of the name, but  
13 I do not know where it is located. I, myself, do not want to know  
14 about other people's business and that is my nature.

15 Q. And what happened in Commune 100?

16 A. As I stated, I do not know where that commune is located, so I  
17 did not know what happened in that commune then.

18 [11.29.10]

19 Q. Where was this commune located?

20 A. As I just stated, I am not sure whether it was in Kratie or  
21 Snuol district.

22 Q. So now a few questions regarding the Cham. Did you ever hear  
23 about a movement -- a widespread movement, of the Cham?

24 According to you -- well, first of all, did you note the presence  
25 of Cham in your cooperative, and were these Cham part of a larger

1 group?

2 A. I saw the Cham people evacuated to Voadthonak commune where I  
3 was the chief there. However, they were not classified  
4 differently from other people. They were all members of the  
5 cooperative, working together with the rest.

6 As for other locations or provinces in the -- in term of the  
7 evacuation of the Cham people, I had no knowledge of it.

8 JUDGE LAVERGNE:

9 I wish to put before this witness and his duty counsel an  
10 additional document. It is D166/179. Here again, I do not believe  
11 that it is necessary to disclose the name of the witness who is  
12 cited in this particular document. Nevertheless, this material  
13 can be submitted to Mr. Yun Kim and his duty counsel.

14 [11.31.49]

15 Mr. President, with your leave, shall we proceed in that manner?

16 MR. PRESIDENT:

17 You may proceed, Judge Lavergne.

18 And the court officer is now instructed to hand over the document  
19 to the witness and his duty counsel.

20 Judge Lavergne, could you please identify the document you wish  
21 to be put for examination again? Because court officer indicates  
22 that he has not received the identification of the document very  
23 well yet.

24 [11.32.45]

25 JUDGE LAVERGNE:

1 The document reference number is D166/179. The Khmer ERN numbers  
2 are 00349511 to 00349520; the French ERN numbers are 00407022 up  
3 until French ERN page 00407030; and the English ERN pages are  
4 00353491 to 00353499.

5 This concerns a witness who stated that prior to the 17th -- or  
6 rather prior to 1975 he resided in Preaek Touch village in the  
7 Tonle Bet commune in the Thaung Khmum district in the province of  
8 Kampong Cham.

9 He states that there were about 100 residents in his village and  
10 after 1975 he and his family--

11 MR. PRESIDENT:

12 Counsel--

13 Witness, please hold on before we proceed to counsel.

14 Counsel, you now proceed.

15 [11.34.44]

16 MR. IANUZZI:

17 I apologize for interrupting again, but I do have the same  
18 inquiry. I think it's important that the rules are applied  
19 consistently in the Chamber.

20 Is this witness on the list? Is this witness coming to testify?

21 Perhaps the Prosecution can assist.

22 MR. LYSAK:

23 Mr. President and Members of the Bench, no, he's not, but I would  
24 also remind the Chamber and counsel at this point that the other  
25 week the international counsel for Nuon Chea requested to

1 question one of the witnesses on a statement of someone who was  
2 appearing that was allowed with the condition that the identity  
3 not be -- of the witness not be revealed.

4 That's how this practice of not identifying a witness's names in  
5 statements started. It started from the Defence wanting to do it,  
6 which was allowed.

7 [11.35.46]

8 So I'm not sure for the reason for these objections, but I can  
9 tell you that this is not a witness who is on the witness lists.

10 MR. IANUZZI:

11 If I could just clarify, it's not an objection. It was most  
12 certainly not an objection, it was a request for clarification of  
13 the procedure which, I think as we all are quite aware now,  
14 changes quite often on a weekly basis in this Chamber.

15 So at one point the ruling was you were not permitted to put  
16 witness statement to witnesses if those witnesses were coming to  
17 testify.

18 My colleague asked for leave last week. He was granted that leave  
19 on an exceptional basis. It was never made clear. The rationale,  
20 of course, for this ruling, holding rule whatever it is, has  
21 never been made clear.

22 So I'm just trying to get some clarity that's all I'm asking. I'm  
23 not objecting.

24 [11.36.36]

25 MR. PRESIDENT:



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1 Counsel for Mr. Ieng Sary, you may now proceed.

2 MR. ANG UDOM:

3 Thank you, Mr. President, and Your Honours. I have no objection  
4 to this, but I have a question.

5 Judge of the Bench is not supposed to bring the exculpatory or  
6 inculpatory evidence when parties are supposed to present -- or  
7 to bring in witnesses who are inculpatory and exculpatory,  
8 depending on each respective party.

9 However, it is better that parties are allowed to review the  
10 witness statement and to see, apart from the proposed witnesses  
11 by the prosecutors, whether they also proposed by other parties  
12 to the proceeding.

13 [11.37.46]

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 But parties are reminded to be very careful with all the  
17 documents to be put for examination, either doing this directly  
18 or by any other means that are manageable. It doesn't mean that  
19 it is -- they have to wait until the Chamber to put the questions  
20 because we need to ensure that the conduct of the proceedings are  
21 expeditious and highly effective.

22 The Chamber keeps reminding the parties, time and again,  
23 concerning the very strict measure to manage these proceedings,  
24 and it is the right of the parties if the parties feel that they  
25 have an objection to any particular point then they need to come

1 up with the basis for the -- the ground for the objections in  
2 brief so that the Chamber can rule upon it immediately.  
3 Counsel for Mr. Khieu Samphan, you may now proceed. But please be  
4 reminded that next time be quick to -- on time when the same  
5 issue is being raised and the matter that relevance shall be  
6 raised simultaneously, or in that period of time before the  
7 ruling is made, because we already reminded the party that if the  
8 matter is rendered or ruled upon, then it should not be  
9 re-opened.

10 What would you have to say?

11 [11.39.52]

12 MR. VERCKEN:

13 I'll be very brief, Mr. President.

14 I simply wanted to add that, based on the logic that has just  
15 been exposed to us, I don't think it's highly unusual to advise  
16 all parties, at least on the day prior to a testimony, the  
17 documents that may be used.

18 And it can be incumbent upon the Bench to indicate what documents  
19 it intends to refer to. This would allow for smooth proceedings  
20 insofar as all parties can prepare accordingly.

21 [11.40.46]

22 MR. PRESIDENT:

23 Judge Lavergne, you may now proceed.

24 JUDGE LAVERGNE:

25 In response to what has just been said, may I just signal that

1 the responsibilities and obligations that fall upon parties are  
2 not identical to those of -- those who comprise this Bench, and  
3 the fact that such documents can be advised would be quite  
4 welcome.

5 BY JUDGE LAVERGNE:

6 Q. Now, coming back to this document -- this witness had lived  
7 prior to 1975 in a village of approximately 100 residents and  
8 they were primarily Cham.

9 This witness indicates that his family was deported and sent to  
10 Sambour village, in the commune of Sambour, in the district of  
11 Sambour, in the province of Kratie. He indicates that other  
12 residents were sent elsewhere, such as Battambang and other  
13 provinces.

14 With respect to the living conditions in Sambour, the witness  
15 indicates -- on page 5 of the French version -- as follows:

16 "When we arrived in Sambour district, we were authorized to live  
17 with the Former People of the village. We were told that each  
18 family was to live with a Base People or Former People family. A  
19 man who was in a black uniform with the red krama and rubber  
20 sandals accompanied us to our new dwelling."

21 [11.42.42]

22 Further one, the witness states:

23 "We started working at 3 o'clock in the morning up until 11 a.m.,  
24 before a break for a meal. We then resumed our work at 1 p.m.  
25 until 5 a.m. -- 5 p.m., and then we rested to have a second meal.

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1 Then we milled the rice and worked from 6 to 9 p.m."

2 Once again, Mr. Witness is this statement an accurate reflection  
3 of your memory or did things occur otherwise?

4 [11.43.31]

5 MR. YUN KIM:

6 A. With regard to the evacuation of the Muslim Khmer to Sambour,  
7 I don't know about this.

8 In Sambour commune, there was a mixture of people living in the  
9 community and there was no classification of people, and I could  
10 not grasp what happened like that and I do not know that people  
11 were forced to work until 3 or 4 a.m.

12 So I have no idea what happened to these Chams -- or Khmer Islam  
13 people.

14 JUDGE LAVERGNE:

15 In connection to that question -- and I do not have a question  
16 for the witness -- I simply want to point out that in document  
17 E3/184 there is a telegram entitled "Telegram 54". It is copied  
18 to Brother Nuon and documentation. It is signed by Chhun and it  
19 was also cc'd to Doeun. This telegram is dated the 30th of  
20 November 1975 with respect to the transfer of the Cham  
21 population. It also makes reference to some 50,000 residents and  
22 Muslims living in the eastern zone.

23 [11.45.42]

24 I have no further questions to put to the witness at this stage,  
25 Mr. President.

1 MR. PRESIDENT:

2 Thank you, Judge Lavergne.

3 We have some little time before lunch adjournment, and perhaps it  
4 is not appropriate to hand over to counsels for Mr. Nuon Chea  
5 now.

6 QUESTIONING BY THE PRESIDENT RESUMES:

7 Q. Mr. Witness, instead I have a few questions to put to you, and  
8 because you used to be an important individual at the local  
9 level. You worked as the secretary of a commune and also the  
10 chief of the cooperative and B-3 worksite.

11 [11.46.39]

12 My question is: Did you ever receive production means from your  
13 upper echelon -- production means here include tools like hoes or  
14 other production tools from the upper echelon, including spare  
15 parts?

16 MR. YUN KIM:

17 A. Regarding the production tools, including the hoe, the plough  
18 and shovels, these were provided to us by the district level --  
19 district level received from the sector. And these had to be made  
20 according to the request made by each respective level. After  
21 1975 -- well, prior to 1975, there was like a shortage of hoes,  
22 but after 1975 it was plentiful.

23 In these three worksites, everyone was given a hoe. There were  
24 also some shovels, and they also offered some ploughs.

25 With regard to the axes, machetes, we asked blacksmith to help us

1 with this. We only made request to the district to provide us  
2 with some steel, then the blacksmith can turn them into the  
3 useful tools.

4 [11.48.57]

5 Q. With regard to the production means you already indicated to  
6 us, what about the daily, basic needs of clothes, fabrics, and  
7 things like this? As the chiefs of the three locations, had you  
8 ever received such materials and from whom did you receive them?

9 A. Clothes were delivered to people, like two pairs -- or sets of  
10 clothes were given to each people. There was a sewing group who  
11 was in charge of sewing clothes for the people in the  
12 cooperatives.

13 There was also a group of weavers who was in charge of weaving  
14 the krama, or scarves, for the cooperatives.

15 However, that happened only in the previous places I worked. When  
16 we came to B-3, these items had to be provided by the district  
17 committee because we had no such people ready to produce these  
18 items on our own, and we were there for a few months then we had  
19 to run.

20 [11.50.56]

21 Q. Thank you.

22 During the last two days, you already indicated about your  
23 implementation of the Party.

24 My question is: Did you ever receive any order or an instruction  
25 from the upper echelon concerning the production of a three-tonne

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1 per hectare plan and, if so, when was this plan implemented?

2 A. During the -- Pol Pot's regime, we implemented the policy of  
3 competition by 1976, which was part of the first stage.

4 It was taught that each cooperative had to produce 3 tonnes of  
5 rice per hectare, and I also took part in this competition with  
6 other cooperatives. However, with regard to this competition we  
7 had to be able to produce fertilizer made from cow dungs and, of  
8 course, natural fertilizer made of compost.

9 And in that year, in the whole districts of Kratie, my commune  
10 won the first place. But we couldn't produce 3 tonnes per hectare  
11 although we managed to produce 126 buckets of rice. But I  
12 reported to the district that we only produced 113 buckets and  
13 then let alone the 3 tonnes rice. By doing so, I knew I'd gain  
14 something by managing some rice to make people eat rice rather  
15 than porridge.

16 [11.53.25]

17 Q. Did you ever receive any instruction or order from the upper  
18 echelon to transport the rice production to other location, or to  
19 the upper echelon? I'm talking about the rice production only,  
20 and you said that you were asked to produce 3 tonnes of rice per  
21 hectare and you said you're already able to do that. So by that,  
22 was you ever asked by the upper echelon to transfer the rice to  
23 feed other location or to the upper echelon?

24 [11.54.17]

25 A. In Voadthonak cooperative, I already indicated to Your

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1 Honours, the result of the rice production was very promising,  
2 was good. However, the rice was not transferred to any other  
3 location and I had to be removed to -- or transferred to Sambour  
4 commune.

5 In Sambour commune, rice was not transferred or sent to any other  
6 location, but I remember that on one occasion it was asked that  
7 rice had to be measured.

8 Two people from the economic section were assigned, along with  
9 another person from the security, and I told them that you did  
10 not need to measure the rice, you just take my report then  
11 details would be seen in the report already, and they agreed.

12 So no measure to transfer the rice we harvested to any other  
13 location, so we could manage very well to avoid any problem of  
14 food shortages.

15 After leaving Voadthonak commune, I learned at a later date that  
16 people went down to this commune to transfer the rice the people  
17 produced in the commune.

18 Q. Thank you. We would like to obtain this information. We have  
19 already received some information, but we need to seek  
20 clarification.

21 And you said that when you worked as the secretary of the commune  
22 or the chief of the cooperative or chief of B-3 worksite, you  
23 always cited that you allowed people to eat rice, in particular,  
24 those people who worked under your supervision. In other  
25 location, people ate porridge or gruel.



1 [11.56.53]

2 So may I seek clarification whether it is your knowledge that  
3 people in the neighbouring worksites or cooperatives worked  
4 harder or more, but eat -- or rather -- ate less or ate porridge?

5 Because if there was a natural disaster, every cooperative would  
6 be hit. And why the other cooperatives in the neighbourhood had  
7 food shortages while your cooperative had plenty of food?

8 A. With regard to food, indeed, there was food shortages in some  
9 places. I can give you an example that in -- when I was in  
10 Voadthonak commune, the Chrouy Banteay village had big problem  
11 with food. There was a food shortage. And I noted the problem. I  
12 also offered them some potatoes or bananas we grew at the foot of  
13 the hills. We shared these with them. We don't know why it was  
14 hard or difficult for them to have enough food, although we had  
15 the same condition of land.

16 [11.58.46]

17 In Sambour district, there was no problem with food because, if  
18 they ate porridge, then the porridge would be decent anyway.

19 Q. You just said that people were asked to measure the rice stock  
20 in the warehouses in each cooperative or commune, and you also  
21 tried to conceal the exact data of the rice so that you can allow  
22 people to eat rice.

23 [11.59.32]

24 Can you tell the Court if it happened in other places where rice  
25 would be removed from the cooperative? What happened? Why?

1 A. As I indicated, in Voadthonak in 1976, we produced more than  
2 three hectares of rice per -- 3 tonnes of rice per hectare. And  
3 in each village, there was a rice warehouse. But great portion of  
4 rice had to be taken away. I just don't know where they would be  
5 taken -- it would be taken to.

6 They only know -- the only thing I know is that at Voadthonak  
7 commune, almost all -- I mean, the great majority of the rice was  
8 removed and people were subject to eat porridge.

9 [12.00.41]

10 Q. Thank you.

11 You also mentioned about the members of the district who were in  
12 charge of commerce.

13 What kind of commerce were you referring to? Could you describe  
14 it -- the activities of commerce in the Democratic Kampuchea in  
15 particular?

16 A. During the Democratic Kampuchea regime, before 1975 when the  
17 money was still circulated, there was commerce section for each  
18 district. The goods or commodities were transported from the  
19 district by the commune to distribute to people.

20 These include salt, medicine and other basic needs items. And at  
21 the district level, the thing also happened.

22 In 1974, the private market was almost ground to a halt and the  
23 money was no longer properly circulated. The people did not use  
24 the money, although money would be used by the commerce section.

25 Q. Did you ever receive any information from any source because

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1 you already indicated that you know a lot of people who worked at  
2 Sector 505? Did you receive any information concerning the  
3 transport of rice or export of rice to a foreign country?

4 [12.03.10]

5 A. I don't know about this. I only know what happened in my  
6 capacity as the commune chief, for example, in my location when  
7 rice was taken from Voadthonak commune.

8 [12.03.38]

9 MR. PRESIDENT:

10 Thank you very much.

11 It is now appropriate time for lunch adjournment. The Court will  
12 adjourn until 1.30.

13 Court officer is now instructed to assist the witness and his  
14 duty counsel during the lunch adjournment, and have them return  
15 to the courtroom when we resume the next session after the break.

16 Security personnels are now instructed to bring Mr. Nuon Chea and  
17 Khieu Samphan to their holding cells and have them return to the  
18 courtroom before 1.30.

19 The Court is adjourned.

20 (Court recesses from 1204H to 1332H)

21 MR. PRESIDENT:

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

23 We would like to give the floor to the defence team for Nuon Chea  
24 in order to put questions to this witness. You may proceed.

25 MR. IANUZZI:

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1 Thank you, Mr. President. Good afternoon, everyone. Just one  
2 brief preliminary matter.

3 This is with request to the application I mentioned yesterday  
4 morning, that E209 -- that's our Rule 87 request to put new  
5 evidence to this witness for impeachment purposes.

6 Has that been decided?

7 (Judges deliberate)

8 [13.34.22]

9 MR. PRESIDENT:

10 The Chamber will not respond to your request because the document  
11 you sought to submit is not actually a new evidence. It was a  
12 decision regarding the process of work done before the Office of  
13 the Co-Investigating Judges. Probably the counsel is mistaken in  
14 this regard.

15 When it comes to judicial documents, for example, an Order to  
16 summons a witness or a person or as Rotatory letter, it's not  
17 considered as an evidence and not -- and cannot be viewed as  
18 such. In order to further clarify this matter, I'd like to give  
19 the floor to Judge Lavergne.

20 [13.35.44]

21 JUDGE LAVERGNE:

22 Thank you, Mr. President. I believe that the specifications that  
23 you gave are quite clear.

24 In fact, what we should remember is that the decision that you're  
25 referring to is not evidence and, therefore, it does -- is not

1 subjected to the provisions of Rule 87. Rule 87 applies to  
2 evidence.

3 However, the Chamber will decide if the questions based on the  
4 decision that you're referring to are relevant, and if they're  
5 not, well, the President will exercise his discretion to  
6 interrupt or to block any non-relevant question.

7 But, of course, you can refer to this document because it is an  
8 act of procedure.

9 [13.36.46]

10 MR. IANUZZI:

11 Thank you for that clarification. Obviously, we disagree with the  
12 position put forward by the Bench. We agree in the sense that  
13 none of that impeachment material is evidence. That's what we've  
14 been saying all along. It's not evidence as such.

15 We were forced to comply with the procedures put in place by the  
16 Chamber with respect to Rule 87.4.

17 MR. PRESIDENT:

18 We give the floor to you to put questions to this witness, and  
19 the matter has been ruled. You are not supposed to provide any  
20 further comment or try to seize this opportunity to make other  
21 statements.

22 [13.37.32]

23 MR. IANUZZI:

24 I know I'm not supposed to, but I'm compelled to, for the record.

25 I'm just stating my objection for the record.

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1 In that case, based on your ruling, I will not be able to proceed  
2 with my cross-examination of this witness.

3 (Judges deliberate)

4 (13.37.48)

5 MR. PRESIDENT:

6 Judge Cartwright, you may proceed.

7 JUDGE CARTWRIGHT:

8 Perhaps you misunderstand. The Court has not ruled that you may  
9 not refer to this document. You may refer to it. It is said it is  
10 not evidence. It is an Order of the Co-Investigating Judges.  
11 Therefore, you may refer to it. Is that clear?

12 Secondly, the President will determine if you are putting  
13 questions to the witness based on this Order of the  
14 Co-Investigating Judges if there is any relevance to -- in  
15 respect of your questions. Is that clear?

16 MR. IANUZZI:

17 Quite frankly, it's not clear. It's not clear to me.

18 [13.38.46]

19 JUDGE CARTWRIGHT:

20 Well, in that case, you do what you wish. You either question the  
21 witness based on this document or you do not.

22 MR. IANUZZI:

23 My position would be that orders contain facts and facts could be  
24 evidence. This is why it's not clear to me.

25 In any case, I will not proceed with the cross-examination. I

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1 will turn over the floor to my client, who wishes to make a few  
2 comments about the evacuation of Phnom Penh, one of the central  
3 issues in this case, so I now cede my time to Mr. Nuon Chea.

4 [13.39.24]

5 MR. PRESIDENT:

6 The Prosecutor, you may proceed.

7 MR. LYSAK:

8 Thank you, Mr. President. I believe we've visited this issue  
9 before of the Accused making comments.

10 If Mr. Nuon Chea wishes to subject himself to examination on this  
11 issue, fine, but he should not use the questioning of a witness  
12 as an opportunity to get up and make comments himself. So if he  
13 wishes to -- if counsel wish to engage in questioning, fine. They  
14 should not use this as an opportunity to make comments on the  
15 evidence.

16 [13.40.17]

17 MS. SIMONNEAU-FORT:

18 Yes, Mr. President. We have the same position as the one we had a  
19 few months ago or a few weeks ago, which is the prosecutor's  
20 position.

21 Mr. Nuon Chea cannot use as he wishes the Court time to make  
22 statements when it is here -- the matter at hand is putting  
23 questions to a witness.

24 MR. IANUZZI:

25 If I may just reply briefly, Mr. Nuon Chea is very much a part of

1 his own defence. He's very much a part of this defence team. He  
2 wishes to make certain comments in response to the testimony that  
3 has been elicited.

4 I don't see any reason why this Chamber would not be interested  
5 in hearing what he has to say in furtherance of getting at the  
6 truth, if that's, indeed, what it is we're here to do.

7 So Mr. Nuon Chea would like to make some comments and he's more  
8 than willing to have questions put to him, and we've got plenty  
9 of time today. As I said, I'm willing to cede my time to Nuon  
10 Chea.

11 [13.41.25]

12 MR. PRESIDENT:

13 The Prosecutor, you may proceed.

14 MR. LYSAK:

15 Yes, Mr. President. If Mr. Nuon Chea will actually subject  
16 himself to questioning on this issue, that is another matter. But  
17 in terms of scheduling, I would suggest that this should not  
18 happen in the middle of a witness's testimony.

19 If he wishes to indicate to the Court that he wants to make  
20 comments on this matter and that he will subject to questioning,  
21 we can schedule a time for that and do that when this witness'  
22 testimony is completed, and we would be happy to do that. But I  
23 think to do that in the middle of a witness's testimony seems  
24 inappropriate.

25 MS. SIMONNEAU-FORT:



1 I simply wish to specify again that we completely support the  
2 prosecutor. If Mr. Nuon Chea wishes to answer questions, no  
3 problem. And this will be, of course, completely different, but  
4 maybe it's not the right moment.

5 If he wishes to refer to several statements and we ask him  
6 questions on several statements, maybe then we could finish the  
7 examination of this witness and then we could hear Mr. Nuon  
8 Chea's statement.

9 MR. IANUZZI:

10 Your Honour, very briefly, I think, logically, it makes eminent  
11 sense to do it now during the testimony of the witness to which  
12 he will be replying -- making comment.

13 I don't see why we should wait until this witness has gone. It  
14 has to do with his testimony. It has to do with things he said.  
15 So that would be our position.

16 He's here, we're all here. We have the time. We know that  
17 sometimes things get rescheduled. It's hard to get witnesses to  
18 come back. It makes sense to do it now.

19 (Judges deliberate)

20 [13.45.44]

21 MR. PRESIDENT:

22 The Chamber allows him to put question to the witness through the  
23 President of the Chamber, so let me say again. You can put  
24 question only through the Chamber to the witness, and whether you  
25 are willing to do so, that is your right.

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1 And Mr. Witness, you have to wait for the instruction from the  
2 Bench whether you are allowed to respond to a question put to  
3 you. You listen to the question put by the Accused and wait for  
4 our decision to allow you to respond or otherwise.

5 You may proceed.

6 MR. IANUZZI:

7 Thank you, Mr. President. I think it's appropriate if you engage  
8 directly with my client on this issue. Thank you.

9 [13.47.04]

10 MR. PRESIDENT:

11 Please refer to the procedure. Parties or individuals who are not  
12 counsel, they have to put question through a witness through the  
13 President of the Chamber. That are the relevant provisions  
14 regarding the proceeding before us.

15 MR. IANUZZI:

16 That's exactly what I meant, Your Honour. I think it's time for  
17 you and my client to engage in this process now.

18 [13.48.04]

19 MR. NUON CHEA:

20 My respect to my compatriots. My respect to Mr. President.  
21 I'd like to talk about the forced evacuation of people. I'd like  
22 to make some responses to the testimony of this witness and for  
23 the witnesses so far that have been heard in regards to the  
24 evacuation of people.

25 Mr. Witness has provided some reasonable reasons for the

1 evacuation of people from cities, that is, to avoid the  
2 bombardment by the United States, and the starvation and the  
3 internal wars.

4 However, many of the witnesses do not know the real reasons or  
5 more reasons than that, which it does seem to show that the means  
6 of evacuation was ill intent.

7 I'd like to make the following responses.

8 [13.49.54]

9 First of all, I'd like to state that we are the war losers and we  
10 have been accused of forced evacuation of people. However, the  
11 current activities are inappropriate if compare to the evacuation  
12 conducted after the 17 April 1975.

13 I'd like to make -- to make my statement to the poor people who  
14 have been oppressed, who have been persecuted and threatened to  
15 their lives by the rich, by the powerful who are robbing their  
16 farmland and rice fields--

17 (Microphone not activated)

18 MR. PRESIDENT:

19 Mr. Nuon Chea, your statement is far, far and further from the  
20 proceeding before us. The purpose of today's proceeding is to  
21 hear the testimony of this witness before us in relation to the  
22 facts -- or some facts, including the administrative structure at  
23 the base and the structure of the cooperative and, in particular,  
24 the security centre of Kok Kduoch.

25 The Chamber will not allow you to make any statement outside the

1 facts relevant to the knowledge of this particular witness and  
2 who have given quite a detailed testimony so far. You will not be  
3 allowed to use this opportunity to do at your own wishes.

4 [13.52.20]

5 My last question to you is the following: Do you have any  
6 relevant questions to be put to this witness in regards to the  
7 facts outlined in the entire Case 002, and in particular the  
8 relevance related to the knowledge of this witness whom you have  
9 been listening to for one and a half days so far?

10 MR. NUON CHEA:

11 I'd like to talk about the evacuation of people--

12 MR. PRESIDENT:

13 If you do not have any questions, then you will not be allowed to  
14 speak.

15 MR. NUON CHEA:

16 (Microphone not activated)

17 [13.53.42]

18 MR. PRESIDENT:

19 Mr. Nuon Chea, you are not allowed to speak any more in making  
20 that statement. It is contradictory to the purpose of hearing the  
21 testimony of this witness.

22 MR. PESTMAN:

23 Mr. President, the words of my client were not translated into  
24 English. I -- maybe it is possible to ask for a translation now?  
25 I think it's relevant that everyone who doesn't speak Khmer knows

1 what my client said, especially as your response was translated.

2 MR. PRESIDENT:

3 Your client is not allowed to speak. The purpose today is to hear  
4 the testimony of this witness. You can proceed to do so during  
5 your closing statement and if you don't have questions to this  
6 witness, please be seated. The floor will then be given to  
7 another defence team.

8 [13.55.21]

9 MR. PESTMAN:

10 But, again, Mr. President, I don't know what my client said. It  
11 was not translated, and I believe that for the International  
12 Judges as well it would be useful to translate his words. Now all  
13 we know is your response to something that has been said by my  
14 client, which I did not understand. And it was spoken.  
15 We're not asking -- I'm not asking for my client to speak again  
16 or to continue speaking. I just want to translate what has been  
17 said. I want to know what my client said.

18 (Judges deliberate)

19 [13.56.08]

20 MR. PRESIDENT:

21 Counsel, if you cannot understand what he spoke just then, you  
22 should consult with your national counsel. The Chamber will not  
23 allow the floor to be used for different purpose besides the  
24 purpose of today's proceeding or each day proceeding when we are  
25 hearing a testimony of a particular witness. Please be seated.

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1 Defence Counsel, do you have questions to be put to this witness?  
2 If not, then the Chamber will give the floor to another defence  
3 team.

4 MR. PESTMAN:

5 Thank you, Mr. President. My national co-counsel has some  
6 questions for this witness.

7 I would like to make the habitual request for my client to go  
8 downstairs and follow the remaining of the procedure from the  
9 holding cell. I have the necessary waiver. I don't see any reason  
10 why my client should stay in Court, certainly, if he's not  
11 allowed to speak.

12 (Judges deliberate)

13 [13.58.12]

14 MR. PRESIDENT:

15 Mr. Nuon Chea, is it your request to follow the proceeding  
16 through the holding cell downstairs through audio-visual means as  
17 stated by your counsel?

18 MR. NUON CHEA:

19 Yes, that is correct. If I am not allowed to speak, then I would  
20 like to go to the holding cell downstairs.

21 MR. PRESIDENT:

22 Having heard the request by the accused Nuon Chea, through his  
23 defence counsel, and also through his verbal request to the  
24 Chamber to follow the proceeding through audio-visual means for  
25 the proceeding this afternoon, as he waived his right to directly

1 follow the proceeding in the courtroom, and the counsel  
2 undertakes that he will submit the letter of waiver to the  
3 Chamber.

4 For that reason, the Chamber agrees to the request of the Accused  
5 through his -- Nuon Chea -- and by himself so that he can follow  
6 the proceeding in a holding cell downstairs through audiovisual  
7 means for the rest of this afternoon's proceeding and that he  
8 waives his rights to his personal presence.

9 The counsel for Nuon Chea needs to deliver immediately the letter  
10 of waiver to the Chamber either with a signature or a stamp print  
11 of the accused Nuon Chea.

12 AV Unit, you are instructed to link the audio-visual to the  
13 holding cell downstairs for the rest of this afternoon  
14 proceeding.

15 Security guard, you are instructed to bring Mr. Nuon Chea to the  
16 holding cell downstairs so that he can follow the proceeding.

17 Counsels for Mr. Nuon Chea, do you have any questions to put to  
18 the witness? If so, you may proceed.

19 [14.01.31]

20 QUESTIONING BY MR. SON ARUN:

21 Good afternoon, Mr. President. Good afternoon, Your Honours. And  
22 good afternoon, Witness Yun Kim. I am Son Arun, representing Mr.  
23 Nuon Chea, and with my colleagues here representing him.

24 Q. Yesterday, you said to the Co-Prosecutor that the pagodas in  
25 your region did not exist and that monks were disrobed. Could you

1 tell us why monks were disrobed? They had to leave monkhood  
2 because they had no food to eat or because of other reasons?  
3 [14.02.51]

4 MR. YUN KIM:

5 A. In 1976, in each pagoda, monks were disrobed. And it was  
6 confirmed by the authority that, as I indicated, during the  
7 Democratic Kampuchea regime, the revolution had to be done only  
8 once and for all because the revolution had to include the  
9 cultural revolution at the same time.

10 This means that the religion had to be set aside when the  
11 cooperatives moved on. So I could say that religion was no longer  
12 in existence without any compelling force because when no people  
13 or laypersons offering food to the monk, a monk could never  
14 remain in the pagodas.

15 As I indicated, we were asked not to - need to make this  
16 revolution twice, and we had to really put things all together,  
17 avoiding to do this repeatedly as in China there was, at the  
18 beginning a revolution, and later on a cultural revolution, so  
19 two times and we didn't want that.

20 [14.04.50]

21 Q. Yesterday, you said you saw the "Revolutionary Flag" magazine.  
22 Did you happen to know that the magazine mentioned about pagodas?

23 A. It was a very long time ago. Indeed, there was an instruction  
24 from the Party Centre in the "Flags", the content of which I  
25 don't remember. I think there were some key policies and pagoda



1 was part of the matter included in the instruction and guidance  
2 by the district committee when we convened meetings, but I think  
3 it was a long time ago. I couldn't recall the details.

4 Q. Thank you, Mr. Witness.

5 You stated that Mr. Nuon Chea used to go to Sambour district to  
6 give some education sessions to people in the area. When Mr. Nuon  
7 Chea went there to give lectures to people in the area, did he  
8 mention anything about the enemies -- the enemies regarded by the  
9 CPK?

10 Enemy classified into three categories: the internal enemies, the  
11 American enemies and the Vietnamese. Did he ever mention anything  
12 like this?

13 [14.06.51]

14 A. In 1973, Mr. Nuon Chea had never been to my location. He went  
15 only to Dar commune in Kratie district, and people in the three  
16 districts of Kratie province attended that session. In the first  
17 session, enemy situation was discussed and we were told that  
18 there were American enemies and the Vietnamese and the internal  
19 enemies. And it was routine when enemies were the subject of the  
20 discussion, then they would be classified into that category.

21 And later on, he also advised people concerning the mutual  
22 assistance group in the cooperatives.

23 [14.07.54]

24 Q. Thank you. Mr. Witness, you said you met Nuon Chea only on one  
25 occasion. Did you meet him again at a later date?

1 A. The senior leaders of the Khmer Rouge, only one of them, Mr.  
2 Nuon Chea was the person I met. I never met any other people  
3 other than him.

4 Q. Thank you. When you met Nuon Chea at that time, did you see  
5 him in person engaged in discussions or you merely attended the  
6 study sessions where he gave lectures?

7 A. When I met Nuon Chea, we were in a seminar. He was on the  
8 stage and we were sitting in the hall at the table. There were  
9 commune chiefs from each commune in Kratie. At that time there  
10 was three districts, Snuol, Kratie and Sambour district. Chhloung  
11 was ceded to another East side or East Zone. So there were not  
12 many people attending the meeting, and we listened to him, who  
13 gave instructions, and he also asked attendees concerning the  
14 difficulties in each location. That's all.

15 [14.10.03]

16 Q. Thank you. So you knew him through your presence in a seminar  
17 and you had not been in contact with him in person; is that  
18 correct? Or I can rephrase it. It means you did not talk to him.  
19 You never engaged in any conversation with him other than  
20 participating in the study sessions; is that correct?

21 A. Yes, it is correct. I did not engage in any chitchat or direct  
22 conversation with him. He asked us questions and I had to respond  
23 to his questions as an attendee in the class.

24 Q. Thank you. You attended sessions in the seminar with leaders  
25 of the commune, the sessions chaired by Mr. Nuon Chea. Could you

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1 tell the Court your impression concerning Mr. Nuon Chea's  
2 characteristics? Was he a mean person, a person who was barbaric,  
3 who intended to send people to be executed, or was he just a  
4 gentle person, a kind of person with respect?

5 [14.11.46]

6 MR. PRESIDENT:

7 Counsel -- rather, Witness, please hold on.

8 And, Mr. Co-Prosecutor, you may now proceed.

9 MR. LYSAK:

10 Mr. President, I object. That's calling for speculation from this  
11 witness given his prior answer that he did not have personal  
12 contact with Mr. Nuon Chea.

13 MR. SON ARUN:

14 I may wish to respond to these statements by the Co-Prosecutor.  
15 I'm not calling for a speculation. The witness said that he saw  
16 Nuon Chea with his own eyes, so I think he would not make any  
17 speculation when it comes to his response to my question.

18 MR. PRESIDENT:

19 Co-Prosecutor's objection is not sustained.

20 Witness is now instructed to respond to the question.

21 [14.12.56]

22 MR. YUN KIM:

23 A. With regard to the characteristics of Mr. Nuon Chea, he was a  
24 good person as a leader because in his words he put in the  
25 instructions. He would like us, as cadres, to be good cadres, and

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1 that we had to engage in -- with the people to know the people.

2 That's all.

3 BY MR. SON ARUN:

4 Q. I have another question: Before and after you joined the  
5 revolution, had you ever witnessed the area bombardments by the  
6 Americans?

7 [14.14.20]

8 MR. YUN KIM:

9 A. Before I joined the Revolutionary Movement, I had never  
10 witnessed the bombardments, but I heard of this. For example, I  
11 heard of the bombs being dropped at Dak Dam, in Rattanakiri, and  
12 Chantrea district, in Kratie -- or rather, Chantrea district.  
13 But on the 18th of March 1970, there was a coup d'état, and after  
14 that I saw the bombs -- the bombardments in Kratie province.  
15 In 1972, it was difficult to find any bridge in Kratie province  
16 being intact because they all were destroyed by the bombardments.  
17 Even the bridges were severely damaged. Bombs were still seen  
18 being dropped on those locations.  
19 The bridges in Sandan were all destroyed, and in my location,  
20 bombs also were dropped. There was also another fighter jet, that  
21 F-111, dropped bombs at night. I only can talk about the  
22 bombardments in my location, but I can't talk about what happened  
23 in other areas, although I heard the noise from a long distance  
24 about the bombings.

25 [14.16.30]

1 Q. According to your statement to the prosecutor, you said:

2 "When the Khmer Rouge military arrived at Sambour district, the  
3 situation had already been chaotic. The people were confused  
4 because people had been arrested. People at the district level --  
5 the people who were leading the centres or the communes and  
6 sector were removed. Many had been removed all the way to the  
7 commune level."

8 My question is: What was your knowledge of the implication or the  
9 effects of such arrests? Had people been compelled to stay in the  
10 area to await arrest or did they do something about this?

11 [14.17.55]

12 A. In a situation when the military had to grab power in early  
13 1978, the situation in Sambour was chaotic. The arrests were  
14 made, and mainly people in the leadership were arrested. Ordinary  
15 people were not affected.

16 When I mention about the leadership, I refer to the leaders of  
17 the districts and communes. In my communes, even my medic was  
18 also arrested. I did not know. I only learned that he  
19 disappeared. And I heard of people being arrested at the sector  
20 level, and people had to run or to flee from the arrests.

21 Q. Thank you.

22 You said that the situation was chaotic because the military came  
23 to arrest people. And you also indicated yesterday that you heard  
24 people who came to the location who addressed other people as  
25 "Nhom".

1 Can you tell the Court whether these people were of Cambodian  
2 nationality or the enemies of the CPK or else? Because you  
3 already indicated that there was three categories of enemies: the  
4 internal, the American and the Vietnamese enemy. Were they  
5 enemies?

6 [14.19.51]

7 A. When the military came to arrest people in the commune,  
8 district committees and the cooperative committee, I believed  
9 that they were the military from the CPK because they were well  
10 structured and I didn't know what happened during the arrests.  
11 I only learned at a later date through documents I was given  
12 concerning the persons by the names of Ny and Phan who ended up  
13 being detained at S-21. So I learned that they could have been  
14 the military of the CPK, or the army of the CPK.

15 Q. On the 17th of April 1975, when the Lon Nol government was  
16 toppled down and that the Khmer Rouge -- rather, the CPK was  
17 approaching Phnom Penh, where were you at that time?

18 A. On the 17th of April 1975, I was at Voadthonak village. I was  
19 digging canal and I was listening to a radio, and I heard that  
20 Phnom Penh was liberated.

21 Q. Thank you.

22 When you heard that Phnom Penh was liberated, what is your  
23 impression concerning the general aspect of the location you  
24 lived in and your impression concerning the situation all across  
25 Kratie province? Were people happy?

1 [14.22.08]

2 A. Normally, when the country had been in war and people had been  
3 afraid of the area bombardments, and having heard that the  
4 country was liberated, everyone would be pleased and joyful, and  
5 everyone did not continue their work. They had to pause for a  
6 while to enjoy the victory.

7 Q. What about the people in the city of Kratie? Did they evacuate  
8 to the countryside or they remained or stay put in the cities?

9 A. The people in Kratie town, so far as I know, after the  
10 cooperatives were established, most of them already left the  
11 city, except people who had work to do there. Without going to  
12 the countryside to do farming, they would not have food to eat.  
13 So they already left. Thank you.

14 Q. On the 7th of January 1979, when the Vietnamese troops  
15 attacked and entered Phnom Penh and other provinces of Cambodia,  
16 what was your impression concerning the general situation all  
17 across the nation? Either you learned through radio broadcasts or  
18 through friends. Tell us about the situation in the country back  
19 then.

20 [14.24.06]

21 A. Before the liberation, I had been in the work site. People had  
22 been evacuated from the work site. I had to cross the river from  
23 the left riverbank to the right riverbank of the Mekong, and I  
24 lived in a village which is adjacent to my village. It was called  
25 Dang Tung (phonetic) village.

1 The Base People already left me and I had, at that time, been  
2 with the young people. So there were only New People, the 7 of --  
3 17 of April People who had been in Sambour district -- rather,  
4 commune. They had remained with me, about 30 families.

5 At that time, I remember witnessing the area bombardments at that  
6 location and people asked me whether we should run for our lives  
7 or not. I said no, we should stay. And after a few more bombings,  
8 I said, "It's time to run."

9 And then the next day we saw the Vietnamese troops all over the  
10 place, and we were not happy or sad. The feeling was rather  
11 mixed, because when the Vietnamese troops came, we had to be  
12 evacuated to Sambour.

13 I asked that I be allowed to live in Voadthonak, but I was not  
14 allowed to do so. We were evacuated time and again from one place  
15 to another, but on the 6th of January I was arrested by the  
16 Vietnamese and detained until April 1980, when I was released. I  
17 had been detained for five months in Vietnam.

18 [14.26.13]

19 Q. I may go back a little bit in time. When Nuon Chea attended or  
20 went to the seminar in Sambour district, I already asked you a  
21 question concerning this.

22 At that time, you said that Nuon Chea asked people who attended  
23 the workshop to create small and big cooperatives, and after the  
24 session you returned to Phnom Penh -- rather, Mr. Nuon Chea  
25 returned to Phnom Penh, but you said that district secretary, Mr.



1 Chet, created a community instead of a cooperative.  
2 Can you tell the Court what reaction was the made up -- what was  
3 the reaction from the people in the local community when the  
4 senior leader already instructed them to carry out the plan, but  
5 then the person in the community -- in the local area turned  
6 against such a decision?

7 [14.27.36]

8 A. Mr. Nuon Chea had never been in Sambour district. He went to  
9 attend meetings in Dar, Kratie province. At that time, he  
10 instructed that the mutual assistance group and lower and higher  
11 level cooperatives be established.

12 And after the workshop, Mr. Chet, who was a professor, was kept.  
13 He was not - he asked people who attend the seminar to remain at  
14 the seminar and we went -- he asked people not to go home yet.  
15 And then he came up with the idea that we should not listen to  
16 the instruction by Mr. Nuon Chea. We should create a community  
17 rather than the cooperatives or lower or higher level  
18 cooperatives, a mutual assistance groups.

19 [14.28.44]

20 And when -- having heard that, everyone looked or turned to me.  
21 My friends, Phan and Phin, said -- they asked me to talk  
22 something to Mr. Chet. And I was never afraid of Mr. Chet and I  
23 talked to him, that by doing so, you really turn against the  
24 decision from the top. But he insisted that I listen to him.  
25 I did whatever he wanted us to do. So if I was not brave enough

1 to disseminate information concerning this, then allowed him to  
2 do so. And, indeed, the people were not happy about establishment  
3 of the community because, so far, we already learned that the  
4 communal eating, communal working could not please everyone.

5 Because even when we are at home, we would not have a different  
6 choice of meals and we do not -- we do not want to be confined to  
7 only just a situation where there's no option.

8 So as a leader in the community, I was not happy with the idea,  
9 but I tried very hard not to make people show strong reaction  
10 against this because if the people had to do something against  
11 this idea then they would be accused of being enemies.

12 [14.30.23]

13 And I, also, would like to talk about the personality of Mr. Chet  
14 as well. I normally say that well, he, Mr. Chet, was the person  
15 who never trust his subordinates.

16 I -- there were two dams at the location: the dam left over from  
17 the Sihanouk regime and Kuol Svay (phonetic) dam. At the Kuol  
18 Svay (phonetic) dam, there was some water that can be irrigated  
19 into the paddy fields. I gave idea to him, but he took it for  
20 granted and he said that we had to dig canal and that the water  
21 had to be irrigated from the dam into the canal so that the canal  
22 is flooded and the flood will also flow into the paddy fields.  
23 This is -- this was his idea and this is how I can describe his  
24 personality which is not good.

25 Q. So you saw that Mr. Chet has the personality to oppose the

1 instructions from the upper echelon. The question is:

2 At present, in regards to the implementation of the policy from  
3 the district to the commune, as far as you knew, did Mr. Chet  
4 follow the instructions from the top to the bottom?

5 [14.32.13]

6 A. What I clearly knew was in regard to the establishment of the  
7 mutual-assistance group and the low-level and high-level  
8 cooperatives. That was the instructions he directly gave to me.  
9 As for other instructions, I did not know whether he receive it  
10 from the district committee or not but, later on, he was  
11 transferred to Kratie and subsequently, arrested.

12 Q. The people living under -- in your area, under your  
13 supervision, did they clearly know the distinction between the  
14 community and the cooperative?

15 A. I know that people in my commune -- in my base I mean, did not  
16 know well about the cooperative because the nature of a  
17 cooperative is communal. It must be well communally and share the  
18 benefit individually. But people there were well aware of the  
19 community.

20 We established the community without establishment of the  
21 cooperative so they knew well about the nature of the community.

22 [14.33.46]

23 MR. SON ARUN:

24 Thank you, Mr. Witness.

25 And thank you, Mr. President. I do not have any more questions

1 for this witness.

2 MR. PRESIDENT:

3 Thank you, Counsel.

4 Defence Counsel for Ieng Sary, you may proceed now.

5 MR. ANG UDOM:

6 Good afternoon, Mr. President. Good afternoon, Your Honours. Good  
7 afternoon, everyone in and around the courtroom. Good afternoon,  
8 Mr. Yun Kim. My name is Ang Udom. I am the co-defence counsel for  
9 Mr. Ieng Sary. I have no question for you at this stage. However,  
10 on behalf of Mr. Ieng Sary, I sincerely thank you for giving the  
11 testimony to this Chamber in ascertaining the truth.

12 [14.34.51]

13 Thank you, Mr. President.

14 MR. PRESIDENT:

15 Thank you.

16 The floor is now given to the defence team for Khieu Samphan. Can  
17 you inform the Chamber how much time do you anticipate to take  
18 with this witness?

19 QUESTIONING BY MR. VERCKEN:

20 It will be quick Mr. President, very quick, maybe two or three  
21 questions, not more.

22 Q. Well, in fact, I have a question -- it's more a question of  
23 curiosity. I have a question regarding your -- your joining the  
24 revolution and I didn't understand that. I think there was a  
25 difference between what you said when this question was asked to

1 you yesterday and the answer that you gave to us today.  
2 Yesterday -- this is on page 22 and 23 of the non-reviewed  
3 version of the French transcript, I believe it's on page 20 of  
4 the English version here -- and you were asked: "Before you were  
5 allowed to join the Party, were you obliged to undergo training..."  
6 That was the question: "...were you obliged to undergo political  
7 training and training regarding the Party-line?"  
8 And you answer to this: "After the coup d'état, the situation was  
9 chaotic. There were opportunists and there were several  
10 nationalist groups. There were people who died. I did not join  
11 these groups because I was afraid. I thought that the  
12 Revolutionary Movement was not a bad thing and I received  
13 training in this regard and then, later on, the district people  
14 recruited me and made me join the CPK as a member."  
15 [14.36.52]  
16 And today you were asked by the civil parties to explain why you  
17 had decided to join the Revolutionary Movement and whether or not  
18 this was a wilful decision, and you answered:  
19 "As a peasant from Voadthonak commune, had I not joined the  
20 revolution, I might have been in danger one day. And in order to  
21 understand this issue of the revolution, I joined the  
22 Revolutionary Movement to protect myself and to protect the  
23 others."  
24 So which of these two explanations is the one that we should  
25 retain? Or could you maybe give us clarification regarding these

1 different answers between the answer you gave today and the  
2 answer you gave yesterday?

3 [14.38.08]

4 MR. YUN KIM:

5 A. Regarding joining the revolution and, as I stated, it was  
6 after the coup d'état of 17 April 1970. There was a movement  
7 before the Khmer Rouge movement. For example, at the Sambour  
8 commune, there was a movement by a group who claimed to revive  
9 the country and people from Sambour were gathered to go to  
10 Kampong Thom to fight the Lon Nol group. Many of them died and  
11 those who survived ran back home.

12 I saw that situation and I decided not to join it because I could  
13 see the characteristic of this Voadthonak group which was not  
14 worse to join.

15 And, later on, there was the Khmer Rouge Revolutionary Movement  
16 and when they came to the villages, they invited us to join the  
17 study session and, later on, at the Sambour commune and when I  
18 went there, it was Mr. Chet who called me first.

19 He did not give me much instructions he gave me a few books and  
20 tell me to read them. And after subsequent meetings, I was  
21 assigned as the commune chief of Voadthonak.

22 And when I joined the movement because I decided that I would not  
23 know anything about the revolution if I were not to join and if I  
24 join it, then I would know the date of the movement and the  
25 revolution so I can learn from it.

1 [14.40.20]

2 And, of course, I had to be very careful and vigilant. I can give  
3 you an example in this regard. In early 1978, the military took  
4 control of the Sambour district and many of the commune chiefs  
5 were arrested except myself. And the reason was that the military  
6 and the authority, at that time, were in conflict and, of course,  
7 there -- there were two military divisions around me that is, 920  
8 and 801.

9 They stationed in Rattanakiri and in the nearby location and I  
10 knew the heads of the divisions so I befriended with them and had  
11 communication with them to provide them with supply if needed.  
12 If they needed a boat or a cow or a buffalo, I would give it to  
13 them. So by the time they came to make the arrest, I was spared.  
14 And it means that I had to live based on actual situation, and be  
15 flexible.

16 Q. Thank you for this answer, Witness. And I note that the  
17 example that you have just mentioned regards the year 1978.  
18 Can you remind the Chamber when and in which year you joined the  
19 Revolutionary Movement?

20 [14.41.57]

21 A. I joined the movement in 1971.

22 Q. So thank you.

23 In order to try to understand your answer properly, when you  
24 joined the Revolutionary Movement in 1971, were you obliged to do  
25 so for reasons that you may explain to us or was this a wilful

1 decision of yours back then, in 1971?

2 A. I joined the Revolutionary Movement in 1971, as I thought that  
3 I would join in the development of the country. I always bear in  
4 mind the idea that the livelihood of the people should be  
5 improved and during that DK regime, I was still thinking about  
6 the way to improve the livelihood of the people.

7 [14.43.34]

8 Q. Fine. So, in order to be clear, in 1971, you were not forced  
9 to join the Revolutionary Movement is that clear; is that so?

10 A. In 1971, the joining of the Revolutionary Movement was of my  
11 own free will I was not compelled to do so.

12 Q. Thank you.

13 And I will soon finish, but a few words on the conflict between  
14 the servicemen and the authorities that you were speaking about.  
15 This was in 1978. This is the example that you mentioned. Do you  
16 know the reason behind this conflict between the military and the  
17 government? If you don't know the reason, okay, but if you do  
18 know the reason, can you please give us clarification on that?

19 [14.44.45]

20 A. Regarding the conflict between the military and the provincial  
21 authority, I could not know clearly, but one day, I knew that one  
22 person by the name of Sovan (phonetic), who was the logistic  
23 person at Division 920, he came to meet me at the Sambour commune  
24 and he told me that he took a letter from Mr. San (phonetic),  
25 from Division 920, to hand it to me. In that letter, he requested



1 50 cows from me. I said that that should be no problem we will be  
2 able to afford to give it to you, but you need to share it with  
3 the district.

4 And then I invited him to go to the district and Mr. Sovan  
5 (phonetic) responded that no, that Mr. San (phonetic) instructed  
6 him to meet me only and if I could not give them the cows then he  
7 would go back. And, as a result, I gave him 50 cows. So they came  
8 with two boats to pick up the cows.

9 And then it was observed by the district and I told them that I  
10 was giving the cows to the military and then the district did not  
11 react. So I could conclude that the authority at the district and  
12 the provincial level was not that smooth with the military,  
13 because he said that if I could not give them the cows, then,  
14 they did not need to go to see the district or the province  
15 authority.

16 [14.46.42]

17 MR. VERCKEN:

18 I have no further questions, Mr. President.

19 MR. PRESIDENT:

20 Thank you, Counsel. And thank you very much, Mr. Yun Kim.

21 The hearing of your testimony has come to a conclusion. We really  
22 thank you very much for your valuable time to testify during this  
23 two-day proceeding with patience and best effort. And this is  
24 part of your contribution in ascertaining the truth. You are now  
25 excused and you can return to your residence or wherever you wish

1 to. We wish you a safe trip.

2 Court Officer, in coordination with WESU unit, please assist the  
3 witness in his returning to his residence or anywhere you wish.

4 We will continue to hear the reserve witness -- that is, TCW-321  
5 -- after the adjournment.

6 We will recess for 20 minutes and reconvene at five past 3.

7 (Court recesses from 1449H to 1508H)

8 MR. PRESIDENT:

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

10 Court officer is now instructed to bring in TCW-321 into the  
11 courtroom.

12 (Witness enters courtroom)

13 [15.10.39]

14 QUESTIONING BY THE PRESIDENT:

15 Q. Good afternoon, Mr. Witness. What is your name?

16 MR. KHIEV NEOU:

17 A. Good afternoon, Mr. President, Your Honours. Could you please  
18 repeat the question?

19 Q. Please tell the Court your full name.

20 A. I am Khiev Neou.

21 Q. Apart from this name, do you use any other name?

22 A. No, I don't. I have only one name.

23 [15.11.43]

24 Q. Can you tell the Court your birth date? When were you born?

25 A. I don't know the -- the French way of saying the date. I was

1 born on Saturday, the month of a dog. I am 79 years old now.

2 Q. What is your occupation?

3 A. I have nothing much to do. I am looking after my wife and  
4 children and I also assist people at the pagoda.

5 Q. What is your father's name?

6 A. Khiev Nop.

7 Q. What is your -- rather, mother's name?

8 A. Neang Sou.

9 [15.13.08]

10 Q. What is your wife's name?

11 A. Ngin Oeurn.

12 Q. Thank you. How many children do you have?

13 A. I have six children.

14 Q. Thank you.

15 According to a report by the greffier of the Trial Chamber,  
16 according your ability and your knowledge, you have no connection  
17 or relationship with any parties to the proceedings including the  
18 civil parties and the three accused persons; is the record  
19 correct?

20 A. Yes, it is.

21 Q. Have you already taken an oath before the Lord of Iron Fist?

22 A. Yes, I have.

23 [15.14.25]

24 Q. The Chamber would like now to inform you of your rights and  
25 duties as a witness.

1 As the witness before this Chamber, you can reject to respond to  
2 any questions or make any statements that are self-incriminating.  
3 You have the right not to incriminate yourself. This means that  
4 if your statement can be self-incriminating, you can exercise  
5 this right not to respond.

6 And as a witness -- as the witness, you are to respond to all  
7 questions put by parties to the proceedings including the Judges  
8 of the Bench. However you can refrain from responding to any  
9 questions that are self-incriminating in nature. You only are to  
10 tell the truth, nothing but the truth. Indeed, your statement  
11 must be based on your experience what you witnessed during that  
12 time.

13 Mr. Khiev Neou, a few years ago, do you remember that you were  
14 interviewed by people from the Office of Co-Investigating Judges?

15 A. Yes, Mr. President, I was interviewed.

16 [15.16.16]

17 Q. How many times were you interviewed and in which years, and  
18 where?

19 A. I don't remember the year, but during this year, there was an  
20 interview and there was another interview last year but, again I  
21 don't remember the exact year.

22 Q. Were you interviewed two times or three times or just on one  
23 occasion?

24 A. I think I was interviewed two times.

25 Q. Where were the interviews conducted, Mr. Khiev Neou?

1 A. They were conducted in Anlong Veng.

2 Q. Before you appear before the Chamber, had you have an  
3 opportunity to read or be read out the written record of your  
4 interviews before the Co-Investigating Judges in order to refresh  
5 your memory?

6 A. Yes, I have, but I still feel that the record was not really  
7 fully accurate because I need to -- I thought it was not correct.  
8 [15.18.14]

9 Q. So it is fair to say that, in general, the statement you made  
10 that was read out to you is consistent besides just a few points  
11 you said which was not accurate?

12 A. Yes, it is correct, Mr. President.

13 MR. PRESIDENT:

14 Next, the Chamber would like to inform the Co-Prosecutors that we  
15 would like to hand over to the Prosecution to proceed with the  
16 questions before other parties to the proceeding. You may now  
17 proceed.

18 National Counsel for Mr. Ieng Sary, you may proceed.

19 MR. ANG UDOM:

20 Mr. President, may I seek some clarification why this witness is  
21 not assisted by a duty counsel as usual?

22 MR. PRESIDENT:

23 The witness has asserted that he doesn't need the duty counsel.  
24 For this reason, the Chamber can proceed without one.

25 [15.19.39]

1 The Co-Prosecutor, you may now proceed.

2 QUESTIONING BY MR. VENG HUOT:

3 Thank you, Mr. President. Good afternoon, Your Honours. Good  
4 afternoon, Mr. Khiev Neou. I am Veng Huot from the Office of  
5 Co-Prosecutors. I have a few questions to put to you concerning  
6 your life before the 17 of April 1975, your biography, and then I  
7 would proceed to ask you some questions concerning the events you  
8 witnessed in 1975 and 1976.

9 Q. My first question is: I would like to remind you of your  
10 statement you made before the Co-Investigating Judges that you  
11 were ordained as the monk in 1951 in Trapeang Thum Pagoda in  
12 Trapeang Thum village, Tram Kak district, and you said you met Ta  
13 Mok who was also ordained as a monk in the same pagoda.

14 [15.21.06]

15 MR. PRESIDENT:

16 Counsel for Mr. Khieu Samphan, you may now proceed.

17 MR. VERCKEN:

18 Thank you very much, President. I'm rather surprised to see the  
19 National Co-Prosecutor begin his questioning by reminding the  
20 witness of statements that he had made several years ago. I  
21 simply don't understand the logic of the National Co-Prosecutor.  
22 The witness is here to testify. This is a public and criminal  
23 case. I think questions should be asked extemporaneously and for  
24 the purposes of refreshing his memory, I do not see the rationale  
25 of asking the witness to confirm statements that he's made

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1 previously without even laying out any preamble.

2 [15.22.05]

3 MR. ABDULHAK:

4 Mr. President, if I may respond in consultation with my -- with  
5 my colleague, the reason for this approach is, in fact, very much  
6 our effort to follow the Chamber's guidance. What we propose to  
7 do and -- and what I think our colleagues did over the last  
8 couple of days is to simply recap, by way of background, those  
9 parts of the statement which do not appear to be, to us,  
10 particularly controversial and then to use that to go, as the  
11 Chamber has instructed, further and to focus in on -- on issues  
12 that may be more of interest.

13 We will take your guidance, but we think this approach, which  
14 both my colleague and I propose to follow, as I say, on issues of  
15 background and issues that we do not consider particularly  
16 controversial but that, in fact, is implementing your directions  
17 and it will facilitate a speedier proceeding. Otherwise, we're  
18 back to line-by-line confirmation of each statement.

19 [15.23.20]

20 MR. PRESIDENT:

21 Counsel is not allowed to reply to the response by your learned  
22 colleague.

23 (Judges deliberate)

24 [15.23.31]

25 The objection by international co-counsel for Mr. Khieu Samphan

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1 is not sustained.

2 The Co-Prosecutor can put the same question to the witness.

3 Witness is instructed to respond to the question by the

4 Co-Prosecutor.

5 BY MR. VENG HUOT:

6 Thank you, Mr. President.

7 Q. I would like to remind the witness, again, concerning the  
8 statement I just indicated. You said you met with Ta Mok who was  
9 ordained as a Buddhist monk at Trapeang Thum Pagoda. How long had  
10 he been a monk at that pagoda?

11 [15.24.50]

12 MR. KHIEV NEOU:

13 A. I do not remember the exact year however, he had been the monk  
14 for about 10 years or less than 10 years.

15 Q. Thank you. Were you close to him during that period?

16 A. Could you repeat? When you're referring to that period, what  
17 period are you referring to?

18 Q. I was asking about that -- you were -- you met Ta Mok and that  
19 you said Ta Mok had been the monk for about 10 years during that  
20 time when you learned that he been the monk for 10 year, had you  
21 been close to him -- to Ta Mok?

22 A. When he was the monk, I was still at a very young age and I  
23 was not yet ordained as the monk at the pagoda. I knew that he  
24 had been ordained, but my relationship with him is more about a  
25 young boy to a monk who had been in the pagoda.



1 [15.26.50]

2 Q. When Ta Mok was disrobed, what did he do?

3 A. He left his monkhood when I was too young to know much about  
4 this, but I did not see him doing anything. He was disrobed and  
5 got married, having a family. I did not see him doing anything  
6 other than going about his normal day life.

7 Q. In which year was that?

8 A. At that time, I was very young I did not yet go to school but,  
9 at that time, I think Issarak was already established at Tram Kak  
10 district. We call them Issarak Trapeang Sdau, but I don't know --  
11 remember the exact year, but I can guess it was about 1940s --  
12 early 1940s.

13 Q. Mr. Khiev Neou, before the Co-Investigating Judges, you said:

14 "In 1975, Ta Mok was the secretary of the Southwest Zone."

15 Do you know how long he had been the East -- Southeast Zone as  
16 the secretary?

17 A. I think my knowledge of this was not official I just heard  
18 from others and I don't know exactly which year was that.

19 [15.29.31]

20 Q. In relation to the Southwest Zone, how many districts were  
21 within that zone?

22 A. There were many districts and I cannot recall them all.

23 Q. Did you have any communication with Ta Mok prior to April  
24 1975?

25 A. While I was a monk at Trapeang Thum Pagoda where he usually

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1 dropped by at a pagoda during his working hours and he spoke  
2 about various matters and about the situation. That was the limit  
3 of the communication I have had with him.

4 [15.30.44]

5 Q. Let me recall your statement before the Investigators of the  
6 Office of the Co-Investigating Judges that in April 1975, you  
7 were a monk and what happened to you on the 17 April 1975 after  
8 you knew that the Lon Nol regime was toppled?

9 A. Can you please repeat your question?

10 Q. In April -- on the 17 April 1975, you were still a monk that's  
11 your statement before the OCIJ Investigators. And that on the 17  
12 April 1975, after the fall of the Lon Nol regime, what happened  
13 to you?

14 A. Monks arriving from Phnom Penh and from Takeo gathered and we  
15 heard that Angkar instructed us to leave the monkhood and then I  
16 did, but I cannot recall the exact date however, it was after  
17 that April 1975.

18 Q. You made a statement before the Co-Investigating Judges that  
19 the plan to disrobe the monks were -- had been put in place long  
20 before that and all the monks were aware of the plan how did you  
21 come to know about the plan to disrobe the monks?

22 [15.33.20]

23 MR. PRESIDENT:

24 Mr. Witness, you please hold on to your response.

25 Defence Counsel?

1 MR. ANG UDOM:

2 The national prosecutor made some statements claims to be that of  
3 the witness, but I have been -- I have not been able to locate  
4 that portion of the statements. For example, that Ta Mok was a  
5 monk for 10 years.

6 I would appreciate if you can instruct the prosecutor to tell us  
7 the document ID and the ERN number of the relevant page.

8 MR. VENG HUOT:

9 Mr. President, I'd like to present the document, of course, to  
10 the counsel. With your permission, I can read it to the counsel.

11 [15.34.30]

12 MR. PRESIDENT:

13 You may proceed.

14 MR. VENG HUOT:

15 Thank you, Mr. Ang Udom.

16 The document is E3/507. The ERN number -- I only have the ERN in  
17 Khmer that is, 00355438 to 00355442.

18 BY MR. VENG HUOT:

19 Q. Witness, let me continue to put question to you.

20 After 17 April 1975, could the ordinary people practice their  
21 religion?

22 MR. KHIEV NEOU:

23 A. They could do it to a limited degree and that applied only to  
24 the Tram Kak district as I only knew about it I did not have  
25 knowledge about the practice in other region or zone and I only

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1 knew the two location in Tram Kak district -- that is, Angk Roka  
2 Pagoda and another pagoda.

3 [15.36.33]

4 Q. After 17 April 1975, were monks allowed to maintain the  
5 monkhood?

6 A. When I left the monkhood with the majority of the monks, there  
7 were remaining monks at the Phchek Chrum, and I could not grasp  
8 the situation at that pagoda. And, later on, I did not know  
9 whether the remaining monks left the monkhood. I refer to the two  
10 pagodas in Tram Kak district.

11 Q. I'd like to ask you, now, regarding the evacuation of people.  
12 In your statement before the Investigators of the OCIJ that on  
13 the 17 April 1975, you saw many people travelling on the road.  
14 They were evacuated from Phnom Penh and Takeo. Can you tell the  
15 Court of what you saw at the time?

16 A. I saw the movement from Champar Pagoda to another pagoda and  
17 regarding the movement from Phnom Penh or from Takeo, I was only  
18 told of that event I did not witness it myself. And I saw some  
19 people whom I knew, but I did not know, personally, about the  
20 evacuation from Phnom Penh and from Takeo.

21 [15.39.05]

22 MR. PRESIDENT:

23 Defence Counsel, you may proceed.

24 MR. VERCKEN:

25 Thank you, Mr. President.

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1 A quick point -- earlier on when I made an objection regarding  
2 refreshing the witness's memory and in relation to the first  
3 question that was put to him by the prosecutor and I was answered  
4 that this practice was justified by the non-challenged character  
5 and the general character of the topic at hand.

6 And here I see that we're speaking about facts regarding the  
7 period following 17 April and as of the first question, the --  
8 the national prosecutor is repeating this practice which consists  
9 in immediately reminding the witness what he said previously  
10 instead of moving ahead with his topic by asking an open question  
11 and then refreshing his memory if it's only necessary, but I  
12 don't think that regarding the facts that -- that we are involved  
13 in now such a practice is well-suited.

14 This is my objection. Have I been clear?

15 [15.40.36]

16 MR. PRESIDENT:

17 Could you repeat your point I did not hear?

18 He said up to 1979. He spoke about the event in 1975. Can you  
19 tell us the exact point of your objection? We would like to  
20 remind you, Counsel, and all the parties that if you wish to  
21 object, please be on your feet and raise your hand before the  
22 witness replies to the question and not after the conclusion of  
23 the response by the witness. And in order to clear this matter,  
24 please restate your point of objection clearly.

25 MR. VERCKEN:

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1 I believe that I had spoken quite clearly but, of course, the  
2 translation may be -- might have made things a bit difficult.  
3 This is normal. I am not criticizing the interpreters.  
4 The national prosecutor is beginning with a series of questions  
5 on the evacuation, and these are facts that your Chamber is  
6 seized of and instead of questioning the witness with open  
7 questions, his first question -- the prosecutor's first question  
8 is geared to reminding the witness what he said previously when  
9 he had been questioned by the Investigators of the OCIJ.

10 [15.42.41]

11 And my objection consists in telling you that, okay, I'm willing  
12 to understand that when we are dealing with questions regarding a  
13 general context which a priori has not been challenged, well,  
14 this could be acceptable, but I believe that when we speak about  
15 facts, it is necessary to ask, first, an open question, rather  
16 than to immediately try to refresh the witness' memory.

17 MR. PRESIDENT:

18 Judge Lavergne, you may proceed-- Just hold on.

19 The Lead Co-Lawyer for the civil party, you may proceed.

20 [15.43.42]

21 MS. SIMONNEAU-FORT:

22 Yes, Mr. President. Regarding this issue, maybe I didn't  
23 understand your latest memorandum clearly, that was filed a year  
24 -- a day or two ago, and the Chamber, as far as I remember,  
25 stated that it was not necessary to ask questions to verify what

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1 had already been stated to the OCIJ and that the content of the  
2 written records could be considered a priori as a truth and,  
3 therefore, we could ask questions beyond what had already been  
4 said to the Investigating Judges.

5 This is why, I believe, the Co-Prosecutors are proceeding this  
6 way which is helping us to gain a lot of time and it was already  
7 the case this morning.

8 MR. PRESIDENT:

9 Judge Lavergne, you may proceed.

10 [15.44.33]

11 JUDGE LAVERGNE:

12 Thank you, Mr. President.

13 Indeed, the Chamber filed a memorandum a little while ago very --  
14 but the Chamber's point is to make sure that the Court time is  
15 used as efficiently as possible in particular, when we examine  
16 witnesses who have already been questioned by the OCIJ --  
17 witnesses who -- whose records we have read and that we have  
18 become apprised of and the President, at the beginning of each  
19 hearing, puts questions to -- puts the following question to the  
20 witness to ask if he agrees with the statements that the witness  
21 provided to the Co-Investigating Judges.

22 So there's no challenging here it's not necessary to go over the  
23 questioning since the start. These are only -- we should only ask  
24 complementary questions. This is why a summary of previous  
25 statements is not surprising. The only thing here is that if the

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1 witness disagrees with the way that the questions are formulated  
2 or if the way -- with the way the questions are reminded to him,  
3 must make this known to us when he answers.

4 [15.46.03]

5 MR. VERCKEN:

6 Very briefly speaking, I wish to remind you that this witness  
7 precisely expressed reservations regarding what was read to him  
8 or what he read himself in the record and he did not go into  
9 detail, but -- and we -- and this leads me to the idea that it  
10 might be necessary to be cautious with the statements of the  
11 witness here at the stand.

12 MR. PRESIDENT:

13 Defence Counsel, do you have anything in mind that you'd like to  
14 raise?

15 MR. ANG UDOM:

16 As I see the defence team next to me was on his feet so I wait  
17 for him to conclude first. With your permission, I'd like to make  
18 a brief comment.

19 [15.47.23]

20 MR. PRESIDENT:

21 You may proceed.

22 MR. ANG UDOM:

23 As Judge Lavergne stated, based on the memorandum of the Trial  
24 Chamber, if the witness already states and confirms his  
25 statement, we should not repeat the question again. However, I



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1 have observed that from -- moving from one point to the next, the  
2 prosecutor read the statement of the witness in order to recall  
3 his memory and then he attempts to put question after, is that  
4 necessary?

5 Is it a kind of a leading question because the response is  
6 already given before the question is put or whether the -- this  
7 similar -- this question is not conformed in instructions by the  
8 Trial Chamber?

9 [15.48.27]

10 MR. PRESIDENT:

11 The National Prosecutor, please rephrase your question to make it  
12 the most appropriate and pursuant to the memorandum. And try to  
13 avoid objection raised against your question by various parties.  
14 You said that you have not prepared your document to be put to  
15 this question and you failed to provide the French or the English  
16 ERN of the document.

17 You should have ample time for your preparation before you are  
18 here to question the witness so please try to put a short and  
19 precise question to the witness.

20 And try not to restate the statement made by the witness already.  
21 Try to use new questions or supplementary questions to be put to  
22 this witness.

23 MR. VENG HUOT:

24 Thank you, Mr. President.

25 [15.49.55]

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1 BY MR. VENG HUOT:

2 Q. Mr. Khiev Neou, I'd like to ask you the following question:

3 Why those people were evacuated -- why the mass was evacuated  
4 from Phnom Penh and Takeo?

5 MR. KHIEV NEOU:

6 A. Thousands of people were evacuated. You could see a crowd of  
7 people everywhere. And I recognized some of the people who were  
8 living in Phnom Penh -- some of my relatives in Phnom Penh and  
9 Takeo. And I met them and asked them. And that's how I learned  
10 about the evacuation.

11 Q. Thank you. During the evacuation and you witnessed thousands  
12 of people, did you see monks were being evacuated as well?

13 A. As for the monks, I already stated earlier, they came from  
14 Takeo and Phnom Penh and they gathered at Angk Roka Pagoda, and I  
15 was there as well. Then I left the monkhood or dis-ordained with  
16 some of the monks there. Those people who were dis-ordained with  
17 me were also coming from Takeo and Phnom Penh.

18 [15.51.38]

19 Q. As you observed a massive number of evacuees, did you see the  
20 -- a great group including children, the sick and the elderly?

21 Did the Khmer Rouge make necessary preparation for them?

22 A. I did not go and inspect everywhere or every place, so I  
23 cannot say generally about the arrangements for those people, but  
24 yes, an arrangement was put in place. But I did not know the  
25 details about how people were organized and received. Because I

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1 was a monk then, I did not just travel everywhere as a monk.

2 Q. Thank you. The Khmer Rouge cadres, did they also escort the  
3 evacuees?

4 [15.53.01]

5 A. I saw them - I saw them traveling and organizing the  
6 accommodations for the evacuees.

7 Q. Thank you. When you saw the cadres organizing people for  
8 accommodation, as you stated, did the people could -- walk  
9 freely, for instance, walking away from those cadres?

10 A. I did not observe such a detail because there were so many  
11 people at the time. And at that time, people were not yet put  
12 into groups or teams. The most important thing was for them to  
13 have food and accommodation, and they went to -- mostly they went  
14 to their native places.

15 Q. Based on your observation, did you know the reason for them to  
16 leave Phnom Penh?

17 A. We knew from one another that they were evacuated out, but we  
18 of course did not hear from any supervisor. We heard that through  
19 people, through the militia talking. So I could say that it was  
20 not an official information.

21 Q. Besides hearing it from the militia, did you discuss this  
22 matter with Ta Mok?

23 A. At that time, I did not meet with Ta Mok or discuss this  
24 matter with him. At that time, people at the base, at the  
25 villages and communes received those people, including the

1 commune and the village militias.

2 [15.55.34]

3 Q. Did Ta Mok allow you to work with him on certain matters?

4 A. When? Can you specify the time?

5 Q. It was around 1975 and 1976, did Ta Mok ask you to work with  
6 him?

7 A. Yes, he called me initially; he did not have me work. I was  
8 idle, but he told me -- he asked me to go and help him with the  
9 currency, but I did not even lay a hand on any money yet at the  
10 time. I could assist with some miscellaneous matters, including  
11 counting goats and tools. As for the military, they made some  
12 banana plantations. So, then, I assist them with fixing the  
13 tools, including the hoes.

14 [15.56.58]

15 Q. At that time, did you know about the fact that the  
16 cooperatives were established?

17 A. I did not know the exact date of the establishment of the  
18 cooperatives. I only knew they were established but I did not pay  
19 attention to when they were established.

20 Q. Did you know who actually created the cooperatives?

21 A. As for -- in general, we were not politicians or spies. We  
22 knew the word "Angkar". Angkar instructed us to do this or to do  
23 that. We did not know who "Angkar" was.

24 Q. Did you hear any person who was accused of being an enemy  
25 during that time?

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1 A. We heard from one another but I never actually saw it  
2 personally. So it was not official. I heard about that but I did  
3 not pay attention to it.

4 Q. When you heard that someone was accused of being an enemy, do  
5 you know what happened to that person?

6 A. I did not know -- I did not know the details of what happened  
7 to that person.

8 Q. Mr. President, I now conclude my question.

9 And I thank you, Mr. Khiev Neou. You will be questioned by my  
10 colleague later.

11 MR. PRESIDENT:

12 Thank you, Mr. Khiev Neou.

13 Mr. Khiev Neou, the time is appropriate for the adjournment for  
14 today proceeding. And the hearing of your testimony has not yet  
15 concluded and it will reconvene tomorrow morning, so you're  
16 invited to come to the Court again to provide your testimony  
17 starting from 9 a.m.

18 [16.00.35]

19 Court Officer, could you assist the witness with the cooperation  
20 of WESU to have his return to his place where he stayed and have  
21 him returned to the courtroom tomorrow morning, at 9 a.m.?

22 The proceeding today has come to a conclusion. The Court will  
23 recess and reconvene tomorrow morning, starting from 9 a.m., and  
24 we will continue to hear the questions put to the witness, Khiev  
25 Neou, by the Prosecution and by the Lead Co-Lawyers, and if the

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1 time is available, then by the defence teams.

2 Security guards, you're instructed to bring the three accused  
3 back to the detention facility and have them back here in the  
4 courtroom tomorrow morning, before 9 a.m.

5 [16.01.43]

6 As for Mr. Ieng Sary, if he wishes to waive his direct presence  
7 in the courtroom and to follow it through audio-visual means in  
8 the holding cell downstairs, through his written letter of  
9 waiver, then the security guard, please liaise with the greffier  
10 to have Mr. Ieng Sary placed in the holding cell so that he can  
11 follow the proceedings through audio-visual means.

12 As for the letter of waiver of Mr. Ieng Sary, the Chamber will  
13 decide before the proceeding commence.

14 THE GREFFIER:

15 All rise.

16 (Court adjourns at 1602H)

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