



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 03-Feb-2012, 08:28  
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 January 2012

Trial Day 23

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

The Accused: NUON Chea  
IENG Sary  
KHIEU Samphan

Lawyers for the Accused:

SON Arun  
Michiel PESTMAN  
ANG Udom  
Michael G. KARNAVAS  
KONG Sam Onn  
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

DUCH Phary  
Matteo CRIPPA  
Natacha WEXELS-RISER

Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

SENG Bunkheang  
Dale LYSAK  
VENG Huot

PICH Ang  
Élisabeth SIMONNEAU-FORT  
SIN Soworn  
Barnabé NEKUIE  
HONG Kimsuon  
TY Srinna  
Philippine SUTZ  
Olivier BAHOUGNE

For Court Management Section:

KAUV Keoratanak

INDEX

THE ACCUSED, MR. NUON CHEA

Questioning by Mr. Lysak resumes ..... page 1  
Questioning by Mr. Seng Bunkheang..... page 31

MS. PRAK YUT (TCW-542)

Questioning by Ms. Sutz resumes..... page 56  
Questioning by Mr. Pestman ..... page 69  
Questioning by Judge Cartwright ..... page 79

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PESTMAN	English
MS. PRAK YUT (TCW-542)	Khmer
MR. SENG BUNKHEANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MS. SUTZ	French
MR. VERCKEN	French

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 For this morning's hearing, the Trial Chamber will resume  
6 questioning the accused Nuon Chea, as scheduled in the letter to  
7 the parties dated 27 January 2012.

8 Security guards, you are instructed to bring Nuon Chea to the  
9 dock.

10 Court officer, please make sure that his earphone is in good  
11 condition.

12 [09.07.48]

13 This morning, the Chamber will resume questioning the accused  
14 Nuon Chea.

15 The Chamber would like to remind the Prosecution you only have  
16 this morning session. So make sure that you adhere to the time  
17 allocation.

18 We now hand over to the Prosecution.

19 QUESTIONING BY MR. LYSAK RESUMES:

20 Q. Thank you, Mr. President. Mr. Nuon Chea, when we were last  
21 questioning you, we were talking about the subject of cities and  
22 towns in Cambodia and what happened there when they were  
23 liberated in the 1972 to 1974 time period.

24 So I'd like to return now to a few general questions about the  
25 Party's policy.

2

1 Do you recall whether in that time period, 1972 to '73, whether  
2 there were any disagreements between the Party leaders as to  
3 whether or not to abolish private property?

4 [09.09.43]

5 MR. NUON CHEA:

6 A. Good morning, Mr. President. Good morning, my compatriots.

7 As I recall-- My apology, Your Honour, I forget; what question is  
8 it?

9 Q. Were there any Party leaders, in the 1972 or 1973 time period,  
10 who were not in favour of abolishing private property?

11 [09.10.37]

12 A. As I recall, there was no abolition of private property. There  
13 was the issue concerning land, but people can keep their own  
14 private property, as in regards of lent land, so we distributed  
15 to assist those living in the cooperative.

16 Q. Let me read to you a statement from the February to March 1976  
17 "Revolutionary Flag". It contains the following statement --  
18 quote:

19 "In mid-1972, the Party announced an emergency regarding petty  
20 bourgeoisie class stances and capitalism class stances inside the  
21 Party. This was the opening stage of the struggle within the  
22 Party by going on a profound offensive."

23 Continuing later: "The Party did not just fight within the Party,  
24 the Party also fought in the society by opening a stage of  
25 education to prepare the pre-conditions to establish the

3

1 cooperatives."

2 This is from document D243/2.1.3 at English ERN 00517844, French  
3 ERN 00492790, Khmer ERN 00063228.

4 So my question to you, Mr. Nuon Chea, is simply whether you  
5 recall, in the 1972 period, there being an emergency because the  
6 Party leadership viewed that there were people within the Party  
7 who maintained capitalist and petty bourgeoisie class stances. Do  
8 you recall that?

9 [09.12.54]

10 A. Mr. President, that was the affairs of the government. As for  
11 my cadres regarding the Party, we were involved in education. I  
12 was not involved in the administrative process.

13 Q. Is it correct, Mr. Nuon Chea, that, in mid-1973, the Party  
14 decided to begin implementing cooperatives in the liberated  
15 territories?

16 A. Mr. President, at that time, cooperatives were not yet  
17 organized. In fact, the first time it was the association for  
18 rice production was established. There was also other  
19 associations to assist one another in the form of the  
20 associations that they were established. And later on, when those  
21 associations expanded, cooperatives were gradually formed that  
22 they were called the "low-level cooperatives".

23 [09.14.39]

24 Q. There are numerous Party documents, Mr. Nuon Chea, that refer  
25 to the 20th of May 1973 as the birth date on which the Party

4

1 started to implement cooperatives. Do you recall-- Is there some  
2 significance to the date of 20 May 1973?

3 A. Mr. President, I cannot recall.

4 Q. When is it that you recall that cooperatives were first  
5 established?

6 A. Cooperatives were not immediately organized throughout the  
7 country. In the area where the mass organization already formed  
8 -- various forms of associations -- the cooperatives in those  
9 areas were gradually formed. So it was not a systematic  
10 establishment of cooperatives. For that reason, it is difficult  
11 to know the exact year where cooperatives were in -- were formed.  
12 And they were formed from the countryside area, not in the towns  
13 or cities.

14 [09.16.29]

15 Q. What was the Party's reason for forming and organizing  
16 cooperatives?

17 A. The Party decided to form cooperatives and they were first  
18 'low-level cooperatives' in order to gather the people to work  
19 collectively and not to work individually as it was a waste of  
20 time and force. For instance, if 50 families worked individually,  
21 then there would be a waste of rice for those families. However,  
22 if they were to work collectively, ate rice collectively, then  
23 they will be saved of both food and the labour force.

24 Q. Who was it that made the decision to implement cooperatives?  
25 Was that a decision of the Standing Committee or the Central

5

1 Committee?

2 A. It was the decision of the Standing Committee. However, they  
3 listened to the low-level or middle-level peasants before they  
4 made their decision. So if the masses agreed to that, then the  
5 decision was formed and cooperatives were established.

6 [09.18.24]

7 Q. I'd like to read to you from a Party circular that is entitled  
8 "Third Year Anniversary of the Organization of Peasant  
9 Cooperatives, 20th May 1973 to 20th May 1976".

10 This is document D366/7.1.61, which is before the Trial Chamber  
11 as E3/50. That document contains the following statement --  
12 quote:

13 "In 1972 to '73, the Party took measures to organize the people  
14 based on political consciousness in view of thwarting the  
15 economic power of landowners and capitalists, cut off private  
16 trading, control traders, dismantle the former means of  
17 production, establish new ones and organize cooperatives. Chief  
18 among the measures was the organization of cooperatives. It  
19 consisted of attacking the power of the classes of the  
20 feudalists, landowners, and capitalists." End of quote.

21 This is from English ERN 00636009, French ERN 00623783 and Khmer  
22 ERN 00442209. My question to you, Mr. Nuon Chea, is whether the  
23 implementation of cooperatives was part of the Party's political  
24 attack against landowners and feudalists?

25 A. The organization of cooperatives, as I just stated, was not my



6

1 involvement or my affairs, as I was in the education under the  
2 Party. As far as I know, cooperatives were established in order  
3 to improve the livelihood of the people and to gather the people  
4 together and not to forge a force to attack this class or that  
5 class, besides the reactionary's group that we fought against.

6 [09.21.17]

7 As for the ordinary landowners, they conceded to join the  
8 cooperatives.

9 Q. Mr. Nuon Chea, did you not educate Party cadres in various  
10 regions as to how to organize cooperatives?

11 A. In regards to the organization of cooperatives, it was not  
12 under my responsibility. I educated people in the establishment  
13 of various forms of associations. Cooperatives were organized by  
14 the government.

15 [09.22.12]

16 Q. When you say "the government", who are you referring to?

17 A. That is the Democratic Kampuchea government. Were you  
18 referring to the period of to 1972 or 1973? Because at that time  
19 the country was not yet liberated, the country was still under  
20 the administration of Sangkum Reastr Niyum.

21 Q. Yes, Mr. Nuon Chea, but at that time, a substantial part of  
22 the country was under the control of the Khmer Rouge. In the  
23 areas that you controlled in 1973, did you not begin to implement  
24 cooperatives at that time?

25 A. To my knowledge, the sector committees and secretaries at that

7

1 time started to educate people. As I stated earlier, the  
2 awareness by the people, in particular those in the rural area,  
3 was not sufficient. They did not fully understand yet how the  
4 cooperatives were to be established. They knew about the  
5 establishment of a various organizations or associations and the  
6 process was gradual.

7 [09.24.00]

8 Q. All right. Let me move to another area, Mr. Nuon Chea. Could  
9 you tell the Chamber what Son Sen's role was during the period  
10 from 1973 to April 1975? Did he have any role in relation to the  
11 military?

12 A. I cannot recall that, Mr. President. However, he was member of  
13 the Standing Committee.

14 Q. How often were you present in Phnom Penh between 1972 and the  
15 17th of April 1975?

16 A. During that period, I partly stayed in Phnom Penh and partly I  
17 went to the countryside. I did not fully stay in Phnom Penh.

18 Q. When was the last time that you were in Phnom Penh, prior to  
19 the capture and liberation of the city by CPK forces on the 17th  
20 of April 1975? When was the last time before that that you were  
21 in Phnom Penh?

22 A. Mr. President, as I recall, I went for education of people in  
23 the East.

24 [09.26.27]

25 Q. My question to you, Mr. Nuon Chea, was: When was the last time

8

1 you were in Phnom Penh prior to the 17th of April 1975?

2 A. As I just said, 17 April 1975 was the liberation day. I was  
3 also in Phnom Penh.

4 I was at Stung Chinit River.

5 Q. Okay. You've just told us that you were at the Stung Chinit  
6 River on the 17th of April 1975. My question is: When was the  
7 last time you were in Phnom Penh before then?

8 A. Is your question that did I leave Phnom Penh when the  
9 Vietnamese entered? What is your question, actually?

10 Q. Let me try it another way, Mr. Nuon Chea: Did you spend any  
11 time in Phnom Penh in January 1975, February 1975 or March 1975,  
12 the months leading up to the capture of Phnom Penh by the Khmer  
13 Rouge on 17th of April?

14 [09.28.42]

15 A. Mr. President, I do not really understand the question. Please  
16 make your question shorter for me to understand.

17 MR. PRESIDENT:

18 I noticed the defence counsel is on his feet. You may proceed.

19 MR. SON ARUN:

20 Mr. President. Good morning, everyone. As I listen to the  
21 question-answer session, I think there might be issue of  
22 interpretation. I could -- I myself could not fully understand  
23 the question, and regarding my client, he is older than me, so it  
24 is rather difficult for him to comprehend.

25 Can the question please be short and the interpretation shall not

1 be too fast for him?

2 [09.29.52]

3 MR. PRESIDENT:

4 Thank you for the remark by the defence counsel.

5 Once again, the Trial Chamber would like to remind the

6 International Co-Prosecutor to make your questions short and easy

7 to understand. If you have an explanatory statement in your

8 question, it is rather confusing for the Accused.

9 And also, for the interpreter, please make sure it is slow and

10 clear.

11 So, please, you can put the question again, Mr. International

12 Co-Prosecutor.

13 [09.30.40]

14 BY MR. LYSAK:

15 Q. My question is very simple, Mr. Nuon Chea: Were you present at

16 any time in Phnom Penh, in January, February or March 1975?

17 MR. NUON CHEA:

18 A. Mr. President, in early May 1975, Vietnamese troop invaded the

19 coastal area that is in Kampot. That was on the 8th of May. They

20 invaded our territory near the Tay Ninh province. After such an

21 invasion, we fled ourselves to the border area near Thailand.

22 MR. PRESIDENT:

23 Please put the question again to the Accused. Could you please

24 make your question clearer? It seems that the Accused cannot

25 fully understand your question as the date in his reply is not to

10

1 the date that you put in your question.

2 Your question was for the period between January and April 1975,  
3 but his response was in already -- is in May, and which involves  
4 a separate effect.

5 [09.32.51]

6 BY MR. LYSAK:

7 Q. Okay. Thank you, Mr. President. I'll try one more time.

8 My question was not in relation to the period after 17 April of  
9 1975, but before. Do you remember being present in Phnom Penh  
10 between January and April 1975?

11 MR. NUON CHEA:

12 A. During that period, I was in Phnom Penh.

13 Q. Now, in your testimony, on the 14th of December 2011, you  
14 stated that, during the period Mr. Ieng Sary was in Beijing, he  
15 came back to Cambodia every five or six months.

16 My question to you is: Can you tell the Chamber how many times  
17 Mr. Ieng Sary returned to Cambodia in 1973 and 1974? Do you  
18 recall how many times he came back to Cambodia during that time  
19 period?

20 [09.34.20]

21 A. If my memories serves me well, he returned to Cambodia around  
22 twice or so, if I remember correctly.

23 Q. What were the two occasions that you remember Ieng Sary  
24 returning to Cambodia in 1973 or 1974?

25 A. To the best of my recollection, once he accompanied the prince

11

1 to visit Siem Reap Province. But, on another occasion I did not  
2 remember the exact date.

3 Q. Am I correct, then, that, in relation to the second or the  
4 other time that Ieng Sary returned, you don't recall the specific  
5 time period it was when he came back to Cambodia? Is that  
6 correct?

7 A. I cannot recall it well because my task and responsibility  
8 were different. As I informed you earlier, that Pol Pot told me  
9 precisely that the -- I can leave the intellectuals to  
10 themselves. As for me, I should confine myself to my own  
11 responsibilities so I should be responsible for education because  
12 the situation has changed significantly. So I should not focus on  
13 those intellectuals and I did not pay attention to where they go  
14 and their whereabouts at all. I was actually focusing on  
15 education per se.

16 [09.36.55]

17 Q. Okay. Now, I'd like to ask you a few more questions about some  
18 of the towns or cities that were liberated by CPK forces prior to  
19 the 17th of April 1975.

20 When we broke last time, a passage from a "Revolutionary Flag"  
21 was read to you that described the practice of seizing the people  
22 and one of the examples that was given was in relation Banam  
23 Town.

24 Let me just read to you again the statement from the December  
25 1976 to January 1977 "Revolutionary Flag" which said the

12

1 following regarding the liberation of Banam in 1973 – quote: "We  
2 took everyone in Banam town, expelling the ethnic Vietnamese, the  
3 ethnic Chinese, the military, the police. We took everyone,  
4 drying up the people from the enemy." End of quote.

5 And this is document D243/2.1.9 at Khmer ERN 00063040, English  
6 00491424, and French 00504049.

7 Can you tell us -- first of all, where was Banam located?

8 A. I never -- I have never heard of Banam.

9 Q. What about Oudong? The same issue of "Revolutionary Flag"  
10 contained the following statement about Oudong – quote: "We  
11 liberated Oudong in 1974. We pulled out all the people."

12 Do you -- can you tell the Chamber whose military forces were  
13 involved in the capture of Oudong in 1974?

14 [09.39.32]

15 A. Mr. President, I do not remember which military force actually  
16 led to the capture of Oudong because I was not responsible for  
17 military. I had nothing to do with military affairs.

18 Pol Pot and Son Sen were solely responsible for military affairs.

19 Q. Do you know what was done with the residents of Oudong after  
20 the city was captured by the Party's military forces in 1974?

21 A. Mr. President, we simply evacuated the people in order that  
22 they can cultivate rice to feed themselves because in Phnom Penh  
23 there was a serious shortage of food since 1973. That's why we  
24 gathered people to establish cooperatives and those cooperatives  
25 would be significant in generating foods to feed the people. This

13

1 is what I can remember.

2 [09.41.07]

3 Q. Well, in a speech he gave in North Korea in early April 1974,

4 Khieu Samphan described the attack on Oudong as follows -quote:

5 "On 18 March, our People's National Liberation Armed Forces

6 liberated another city, Oudong, by annihilating all the puppet

7 soldiers there along with the reinforcements. In other words,

8 over 5,000 enemies were eliminated, 1,500 of whom were captured."

9 End of quote.

10 This is document IS 12.7 at English ERN 00280586, French ERN

11 S00000122, and Khmer ERN 00596141.

12 Mr. Nuon Chea, are you able to tell the Chamber what was done

13 with the 1,500 enemies who were captured in Oudong?

14 A. Mr. President, I think on that particular issue, the question

15 should be directed to Mr. Khieu Samphan. I have no knowledge of

16 it at all.

17 Q. Well, Oudong was near the Party base in Kampong Tralach

18 district, Peam commune, that you've -- we've discussed before.

19 Did the Party have military bases and security offices in that

20 region in 1974?

21 [09.43.00]

22 A. Your Honours, I do not know anything about this particular

23 issue.

24 Q. Mr. Nuon Chea, the September to October 1976 "Revolutionary

25 Flag", which is document D243/2.1.7 at Khmer ERN 0063095, English



14

1 ERN 00450531, and French ERN 00491897-- That issue of  
2 "Revolutionary Flag" contains the following statement-quote:  
3 "When we evacuated the people from the cities, we carried out  
4 class struggle". End of quote.

5 Can you explain to the Chamber how you were carrying out class  
6 struggle by evacuating people from cities?

7 A. Mr. President, I do not remember the class struggle, but what  
8 I remember is that we encourage people to work in cooperatives so  
9 that we can generate food to feed ourselves.

10 And as for the struggling against classes in the society, I was  
11 not aware of that matter because I was in charge of education and  
12 (unintelligible) a principle by which we are supposed to adhere.  
13 For example, we must not - we must not involve ourselves in  
14 gambling, womanizing and we have to restrict ourselves not to  
15 exercise our power in violation of other people's rights.

16 [09.45.28]

17 Q. Thank you, Mr. Nuon Chea. Now, I would like to turn to some  
18 questions regarding the decision of the Party to evacuate Phnom  
19 Penh.

20 You stated in your testimony, on the 13th of December 2011, that  
21 the decision to evacuate Phnom Penh was made in a -- quote --  
22 "series of meetings". You have so far described one of those  
23 meetings, a mid-1974 Extraordinary Meeting of the Central  
24 Committee.

25 Can you identify for the Chamber the other meetings in that

15

1 series of meetings which decided on the evacuation of Phnom Penh?

2 A. Mr. President, I do not remember.

3 Q. Do you recall any other meetings, other than the mid-1974  
4 Extraordinary Meeting of the Central Committee, that discussed  
5 the evacuation of Phnom Penh?

6 A. Mr. President, to my recollection the meeting was first held  
7 in 1960 and at that time there was no evacuation plan and there  
8 was a subsequent meeting in 1963 and then 1971, then 1973, and  
9 1978. So the meetings of this kind have been held five times, to  
10 my recollection.

11 [09.47.46]

12 Q. Okay. But, Mr. Nuon Chea, I'm asking about -- specifically  
13 about the decision to evacuate Phnom Penh and you previously  
14 described in detail a mid-1974 Extraordinary Meeting of the  
15 Central Committee where that decision was made. Do you recall  
16 that meeting, Mr. Nuon Chea? Yes or no?

17 A. Can you indicate the year, Mr. Prosecutor?

18 Q. Yes, 1974. Was there an Extraordinary Meeting of the Central  
19 Committee in mid-1974 that made the decision to evacuate Phnom  
20 Penh?

21 A. To my recollection, yes, there was meeting, because at that  
22 time we learned that the Senate of the -- the U.S. Congress  
23 adopted a law not to finance the bombardment of Cambodia. So Lol  
24 Nol administration was actually sort of a support from the U.S.  
25 and food as well. So, at that time, the meeting was held and we

16

1 decided that people be evacuated temporarily.

2 Q. And trying to pinpoint exactly when that meeting took place,  
3 there is a statement in the September 1977 "Revolutionary Flag"  
4 that reads as follows - quote:

5 "It was during this situation when our Party's Central Committee,  
6 in the course of its June 1974 conference, resolved to mount the  
7 decisive offensive to liberate Phnom Penh and the entire  
8 country."

9 And that is from document D43/2.1.12 at Khmer ERN 0063162,  
10 English 00486247, and French 00492836.

11 Was the time of the meeting that you have described, when the  
12 decision was made to evacuate Phnom Penh -- was that a meeting  
13 that took place in June 1974?

14 [09.50.55]

15 A. It was as what I described just now.

16 Q. Do you recall where it was that the meeting of the Central  
17 Committee that decided to evacuate Phnom Penh? Do you recall  
18 where that meeting was held?

19 A. To my recollection, meeting was held somewhere along Chinit  
20 River.

21 Q. How long did the meeting last?

22 A. To my recollection, the meeting lasted for three days.

23 Q. And how many people attended the meeting?

24 [09.52.30]

25 A. Mr. President, I do not remember, but there were

17

1 representatives from the zone -- they have - they sent  
2 representative from all zones to attend that meeting.

3 Q. Can you identify for the Chamber, the people, the names of the  
4 people who attended that meeting other than yourself?

5 A. If I recall it correctly, Pol Pot, myself, Nuon Chea, Ta Mok,  
6 So Phim, Koy Thuon. That's all I can remember.

7 Q. Would you agree that you cannot remember all of the people who  
8 attended that meeting, Mr. Nuon Chea?

9 A. Yes, I do. Oh, Son Sen as well. Son Sen also participated.

10 Q. Do you remember in 1974, a delegation from China coming to  
11 Cambodia to do a film about the liberated zone? Do you have any  
12 recollection of that, Mr. Nuon Chea?

13 A. Mr. President, I do not remember. I did not have any contacts  
14 with them because that was the task of the Ministry of Foreign  
15 Affairs; they took charge of it.

16 [09.55.13]

17 Q. Thank you. You have described to the Chamber how food  
18 shortages in Phnom Penh were a major reason for the 1974 decision  
19 of the Central Committee to evacuate Phnom Penh. I wanted to ask  
20 you, though, about residents of Phnom Penh who had sufficient  
21 food and who wanted to remain in their homes in the city.  
22 Why was it that the Central Committee did not allow them to stay  
23 in Phnom Penh?

24 A. Mr. President, of course, if there were sufficient foods, then  
25 it would have been better to stay in Phnom Penh.

18

1 Because at that time, to the best of my recollection, even Lon  
2 Nol administration was facing the food shortage, and because they  
3 were short of support from the external allies, and they actually  
4 were facing a calamity in the country as well, in terms of the  
5 food shortage. So those who were residing in Phnom Penh were the  
6 gangsters or others which we could not fully control.

7 [09.57.01]

8 Q. Well, when the Central Committee made its decision to evacuate  
9 Phnom Penh, Mr. Nuon Chea, did it allow any people to stay in  
10 Phnom Penh or was the decision that all residents of Phnom Penh  
11 were to be evacuated?

12 A. To my recollection, a committee was established in order to  
13 carry out the evacuation, and this committee was chaired by Son  
14 Sen, and it comprised of the members of the zones, like Koy Thuon  
15 and others. So this committee was the one who were responsible  
16 for evacuation.

17 Q. I understand that there was a committee established. When the  
18 Central Committee though made its decision in mid-1974, was the  
19 decision to evacuate all residents of Phnom Penh?

20 A. That's correct, but on a temporary basis because we follow-up  
21 the situation, because at that time there were conflicts. But I  
22 -- if I elaborate on that, it's going to be long winded, because  
23 when we liberated Phnom Penh, the Vietnamese forces liberated  
24 later. But actually the Vietnamese forces infiltrated in Phnom  
25 Penh already.

1 [09.59.20]

2 And at that time there were a Mayaguez marines enter the water  
3 territories somewhere in Koh Tang Island. So we at that time  
4 thought that if there was war in Phnom Penh, it would be  
5 disastrous because there would be many casualties. So we were  
6 facing two important situations: one is the looming wars that is  
7 likely to take place, and the second difficulty was the food  
8 shortage. So we decided to evacuate people from the city. So that  
9 was our viewpoint at that time.

10 And if the U.S. decided to wage war against Cambodia at that  
11 time, so we can question as to what the situation be in Cambodia  
12 if Vietcong entered Cambodia or infiltrated Cambodia. So the  
13 situation was that difficult in Cambodia because there was  
14 pressure from the U.S., there was pressure from the neighbouring  
15 country, from Vietcong, and others. So the situation was quite  
16 confusing.

17 Q. Well, because the Central Committee decided that all residents  
18 were to be evacuated, that meant that sick people and patients in  
19 hospitals were also to be evacuated from Phnom Penh; is that  
20 correct?

21 A. Everyone was evacuated, so those people who were strong, they  
22 needed to help the poor and those who have the cars or the  
23 "pousse" karts that can assist those who did not in order to  
24 leave Phnom Penh.

25 Q. How many hospitals were there in Phnom Penh in 1974, Mr. Nuon

20

1 Chea?

2 A. I cannot recall. What I can recall is that there were  
3 Khmer-Soviet friendship hospital. There were also state  
4 hospitals, but I cannot recall the exact numbers of those  
5 hospitals.

6 Q. When the Central Committee made its decision to evacuate all  
7 residents of Phnom Penh, did you make any effort to determine how  
8 many hospitals there were in Phnom Penh? And how many patients  
9 were in those hospitals?

10 A. We did not think about that, Mr. President. How could we think  
11 about that? Because the situation was dire. At that time, when  
12 Phnom Penh was liberated, Son Ngoc Thanh actually went to  
13 Vietnam, to South Vietnam, two months earlier and when Phnom Penh  
14 was liberated, Chan Raingsey took some of his troops to Thailand.  
15 So, for the Central Committee, and for the situation in Phnom  
16 Penh -- is that the Standing Committee held the view that the  
17 U.S. would never allow any other force of enemies to capture a  
18 city, and if we were allowed to capture the city, that could be a  
19 trick by the U.S.

20 And if we were attacked by the U.S., then the Vietcong would not  
21 be standing idle. They would also join in attacking us because  
22 they failed bad as Phnom Penh was liberated, before the  
23 liberation of South Vietnam.

24 [10.04.28]

25 Even if the South of Vietnam was liberated and if we could not

21

1 capture Phnom Penh, we would lose everything. That would be the  
2 opinion of the Vietnamese leaders at the time.

3 Q. Mr. Nuon Chea, were there any members of the Standing or  
4 Central Committee who disagreed with the decision to evacuate  
5 Phnom Penh?

6 A. As far as I recall, there was no disagreement. Everyone agreed  
7 to the evacuation.

8 Q. After the mid-1974 meeting of the Central Committee where this  
9 -- where the decision was made to evacuate Phnom Penh, did you  
10 participate in any more meetings regarding the evacuation of  
11 Phnom Penh, or was that the last meeting that you participated in  
12 on that subject?

13 A. I cannot recall, Mr. President; the event took place a long  
14 time ago.

15 Q. At the same mid-1974 meeting of the Central Committee that  
16 you've described, did the Central Committee at that same meeting  
17 also discuss enemy infiltration of the Party and make a decision  
18 not to allow any new members to join the Party?

19 A. At that time, there were a huge numbers of enemies. Let me  
20 give you an example. Before the liberation and even during the  
21 liberation in the Kratie area, there were some soldiers who  
22 organized themselves in Kampong Thom with the commander named  
23 Vong Vattana (phonetic). They planned to attack in that area, but  
24 they were opposed by the people. As for Son Ngoc Thanh, they  
25 organized their soldiers from the South Vietnam with the aim to



22

1 attack us. So that was events during the period.

2 [10.07.48]

3 And as in Phnom Penh itself, if people were not completely  
4 evacuated, those people who responded to the appeal by the Prince  
5 to go to the forest. Not all of them were good elements. There  
6 were some bad elements, like Kao Tak, Hul Vong Anupheap  
7 (phonetic), and others. So the situation at that time was so  
8 confusing and the situation was rather chaotic.

9 And as for the Misear Tum -- So there were multi-parties  
10 movements at the time. They act under the pretext of the  
11 revolution, but in fact they robbed people of their money and  
12 people -- if people did not give them money, then they would be  
13 killed.

14 [10.09.10]

15 If the - if Mr. Prosecutor were in Phnom Penh at that time, you  
16 would clearly understand the situation, and what I said is based  
17 on my knowledge as I myself was not in Phnom Penh.

18 Q. Because of the concerns regarding enemies, is it correct that  
19 the Central Committee decided both to close the doors to any new  
20 members in the Party and also to conduct internal purges in 1974?

21 Is that correct, Mr. Nuon Chea?

22 A. As I recall, in mid-'74 the door was not closed. However,  
23 people were selected to join the Party. As for the opportunists  
24 -- that is, those so-called revolutionary opportunist -- they  
25 infiltrated the Party in large number, in particular during the

1 period of the appeal by the Queen to go to the forest. So the  
2 situation was complicated at the time, and the U.S. bombers were  
3 dropping - dropping bombs in Cambodia for 200 days and nights  
4 ,and a lot of Cambodian people died as a result. That is all, Mr.  
5 President, regarding this event.

6 [10.11.29]

7 Q. Let me read to you, Mr. Nuon Chea, from the February to March  
8 1976 issue of "Revolutionary Flag", which is document D243/2.1.3  
9 at Khmer ERN 00063229, English ERN 00517844 through 517845, and  
10 French ERN 00492790. That issue contains the following statement  
11 - quote:

12 "In early 1974, there were many problems with the enemy  
13 conducting pacifist agent activities, which damaged a number of  
14 our troops, our state authorities, our male and female  
15 combatants, and our cooperative committees. Since the proletarian  
16 stance of the Party was not yet solid, the enemy was able to bore  
17 holes from within our ranks."

18 Continuing on the same page - quote: "The Party assessed the  
19 situation and decided to close the door to the Party and the core  
20 organizations. Along with this, there were internal purges." End  
21 of quote.

22 [10.12.51]

23 Do you recall, Mr. Nuon Chea, that in 1974, one of the groups of  
24 Party cadres who were purged were the Party leaders from Koh Kong  
25 province?

1 A. Mr. President, I can recall some of those events, but I cannot  
2 recall everything.

3 The complicated events at that time was in the East Zone, not in  
4 Koh Kong province. In the East Zone, the situation at the time  
5 was that there was Chan Chakrey, who was a rebellious leader, and  
6 Vietnamese were populated everywhere in the East. There were, as  
7 I recall, roughly 250,000 enemies residing in the East. And the  
8 food supply was also an issue due to the sheer number of these  
9 people who came to stay in Cambodia and consume our own food.  
10 In Cambodia, some people paid gratitude to the Vietnamese, but in  
11 fact it was Cambodia who assisted the Vietnamese to give them  
12 shelter and refuge in Cambodian territory. At that time, the U.S.  
13 were bombarding the Vietnamese territory and they had to find a  
14 place to take refuge. I put question to Nguyen Thi Dinh, the lady  
15 commander of the front soldiers, when she came to meet with So  
16 Phim. I asked her of her purpose of her visit and she responded  
17 that she would ask for the permission for the soldiers to stay as  
18 they could not have any place to stay in Vietnam as -- due to the  
19 bombardments and the rubber trees' leaves were falling off and  
20 they had no place to hide.

21 [10.15.40]

22 And for them, the transportation, for instance, of fuel were made  
23 through Rattanakiri from Ho Chi Minh. I refer to the fuel  
24 assisted by the Chinese government at the time.

25 So when it comes to the struggle of the Kampuchean revolution, we

25

1 indeed assisted the Vietnamese a great deal.

2 The Vietnamese leaders, at the time, since the 1960s, were mainly  
3 based in Kampuchean territory. For instance, Le Duan, Nguyen Van  
4 Linh, Hy Chau (phonetic), etc. They were stationing to the south  
5 of Yukanthor College. They were not staying in Vietnam.

6 [10.16.42]

7 But people who did not know the real situation said that  
8 Vietnamese assisted Kampuchea a lot. But in fact it was the  
9 opposite and I'd like to take this opportunity to mention this  
10 fact, although it's a little bit off what we are talking today,  
11 my purpose is for our people to understand the real nature and  
12 ambition of the Vietnamese people. And even if we assisted them  
13 to that level, they still at the international stage said that  
14 they assisted us. It was the opposite in fact.

15 Q. Mr. Nuon Chea, do you remember a leader from the Koh Kong  
16 region named Prasith, alias Chong?

17 A. I heard of the name. It's "Prasith", not "Proseth".

18 Q. And can you please tell the Chamber what happened to him in  
19 1974?

20 A. As I know, along the way he was ambushed by the bandits. He  
21 was actually, at that time -- was with Ta Mok at the Southwest.  
22 He was called by Ta Mok, but when he was walking in the forest he  
23 was ambushed by the bandits and some people died as a result.  
24 That's what I hear at the time.

25 Q. All right, Mr. Nuon Chea.

1 [10.18.46]

2 In your opening statement, you mentioned a base or office called  
3 B-5 that was located near Peam commune. Can you tell the Chamber  
4 what B-5 was?

5 A. I cannot really recall well. B-5 was actually office belonging  
6 to Pol Pot.

7 Q. When was that office established?

8 A. It was during the time they prepared to attack Phnom Penh. Pol  
9 Pot stationed there.

10 Q. Who, other than Pol Pot, was located at the B-5 Office?

11 A. There was nobody else, as I recall. There were those people  
12 from the zone who went to report to him. The place I saw was  
13 possibly a secret place and there were only himself and some  
14 guards.

15 [10.20.28]

16 As I said earlier, that was guerrilla warfare so we had to be  
17 vigilant, secretive in order to succeed. If we reveal ourselves  
18 and the locations, then we would be attacked by the enemy.

19 Q. Did you ever attend any meetings at the B-5 Office?

20 A. I recall that I did not actually have any meeting there, but  
21 once in a while, yes, I went to -- I went there to meet with Pol  
22 Pot.

23 Q. Khieu Samphan has stated, in his interview with the  
24 Co-Investigating Judges, that, after Phnom Penh was liberated on  
25 the 17th of April 1975, he travelled with you and Pol Pot from

27

1 Pol Pot's headquarters, west of Oudong, to Phnom Penh.

2 How did you travel to Phnom Penh? Is it correct that you  
3 travelled with Khieu Samphan and Nuon Chea?

4 A. Mr. President, I cannot recall that event. As I said earlier,  
5 the situation at that time was chaotic.

6 Q. So am I correct that you don't remember whether you came to  
7 Phnom Penh from the B-5 Office or whether you came from Steung  
8 Chinit? Is that correct, Mr. Nuon Chea?

9 A. Could you please rephrase your question?

10 Q. Yes. Do you remember whether, when you travelled to Phnom Penh  
11 after its liberation, on the 17th of April 1975 -- did you come  
12 from the Steung Chinit river or did you come from the B-5 Office?

13 [10.23.20]

14 A. As I remember, I was from Steung Chinit at the time.

15 Q. Last area that I want to ask you about at this time, Mr. Nuon  
16 Chea. One of the documents that has been put before this Chamber,  
17 which is case file number D108/43/1, which is before the Trial  
18 Chamber as E3/117, is a public statement that was signed and  
19 issued on the 26th of February 1975 by Khieu Samphan as chairman  
20 of the FUNK National Congress. That statement identified seven  
21 traitors from the Khmer Republic regime, including Lon Nol, Sirik  
22 Matak, Long Boret, and it declared it - quote - "absolutely  
23 necessary to kill these seven traitors for their treason". End of  
24 quote.

25 [10.24.32]

1 Now, you've told Judge Lavergne, on the 14th of December 2011,  
2 that you heard references to the seven Lon Nol super-traitors  
3 through radio broadcasts.

4 My question for you is whether you agreed with the call for the  
5 execution of those seven leaders of the Lon Nol regime.

6 A. Mr. President, I was not aware of that. I only heard it  
7 through the radio broadcast and I did not know who made such an  
8 announcement, either Khieu Samphan or somebody else.

9 Q. Did you agree that those seven leaders of the Lon Nol regime  
10 were traitors and should be executed?

11 MR. NUON CHEA:

12 (No interpretation)

13 MR. PESTMAN:

14 Your Honours, before my client answers the question, I would like  
15 to object, if I'm allowed.

16 [10.26.15]

17 MR. PRESIDENT:

18 Defence Counsel, can you clearly state ground for your objection?

19 MR. PESTMAN:

20 I would like the Prosecution to be more specific. Whether my  
21 client agrees is irrelevant and also vague.

22 My client already said, as he was not aware of the order were  
23 just given or the decision which may have been taken to kill  
24 those people.

25 Maybe the prosecutor can simply ask whether my client was there

1 when the decision was taken or whether he was informed at the  
2 time of this decision.

3 MR. PRESIDENT:

4 Thank you, Counsel, for your grounds for the objection.

5 [10.27.02]

6 Any response from the Co-Prosecutor regarding the objection  
7 raised by Nuon Chea's defence?

8 BY MR. LYSAK:

9 Q. Well, Mr. Nuon Chea has indicated that he heard of this matter  
10 through radio broadcasts.

11 As a member of the Standing Committee, I would like to know  
12 whether he had a view or position on whether the seven  
13 super-traitors should be executed.

14 MR. NUON CHEA:

15 A. I would not know of that announcement. I only heard it through  
16 the radio broadcast, as I was involved in only education, and  
17 this is the affairs of the military.

18 Q. Can you tell us, Mr. Nuon Chea, whether the Standing or  
19 Central Committee issued any statements or instructions regarding  
20 those seven traitors from the Lon Nol regime?

21 [10.28.25]

22 A. Mr. President, I do not know about that.

23 Q. Am I correct, then, that the Standing and Central Committee  
24 did not publicly renounce the statement calling for the execution  
25 of the seven Lon Nol traitors? Is that correct?



30

1 A. As I said, Mr. President, I only heard this announcement  
2 through radio broadcast and I believe the message also heard the  
3 announcement by the radio and not everybody knew about those  
4 people. As I recall, at that time Lon Nol already fled.

5 Q. I understand from your answer then, that the Standing and  
6 Central Committee did not renounce the call for the execution of  
7 the seven Lon Nol traitors. Is that correct?

8 A. Whether it is correct or not, it is -- I do not know about  
9 that.

10 [10.30.03]

11 MR. PRESIDENT:

12 The time is now appropriate for a break. The Chamber will take a  
13 20-minute break, and we shall resume after that.

14 I notice defence counsel is on his feet. You may proceed.

15 MR. ANG UDOM:

16 Thank you, Mr. President. Due to health reasons, Mr. Ieng Sary  
17 cannot sit and he would seek permission that he waives his rights  
18 to participate in the proceeding in the holding cell, downstairs,  
19 for the entire day, today.

20 [10.30.45]

21 MR. PRESIDENT:

22 We heard the request by Ieng Sary through his defence counsel to  
23 waive his right to follow the proceeding directly in the  
24 courtroom and that he shall follow the proceeding in the holding  
25 cell, downstairs.

31

1 The Chamber grants the permission so that he can participate in  
2 the proceeding in the holding cell, downstairs.

3 The Chamber would like to instruct the defence counsel to deliver  
4 immediately the letter of -- the waiver letter and the letter  
5 shall be signed or fingerprinted by the accused Ieng Sary. And  
6 for the audiovisual section, please connect the proceedings to  
7 the facility downstairs, in the holding cell, for the entire day  
8 proceeding.

9 And security guards are instructed to bring Ieng Sary to the  
10 holding cell, downstairs, so he can follow the proceeding.

11 We now take a break.

12 (Court recesses from 1032H to 1053H)

13 MR. PRESIDENT:

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

15 We hand over the floor to the Prosecution to continue putting  
16 questions to the Accused. You may now proceed.

17 [10.54.18]

18 QUESTIONING BY MR. SENG BUNKHEANG:

19 Q. Thank you, Mr. President. My first question concerns document  
20 - document E148.

21 I would like to ask the Accused to clarify certain points  
22 relating to this document. And I have got this document printed  
23 and I want it to be present to the Accused so that I can ask some  
24 relevant questions to this document.

25 May I seek leave from the Chamber to present this document --

32

1 hard copy document to the Accused? I have printed them in both A3  
2 and A4 paper, so that they are convenient for the Accused to  
3 read.

4 MR. PRESIDENT:

5 Court officer is instructed to take the document from the  
6 prosecutor and present it to the Accused.

7 (Short pause)

8 [10.55.57]

9 BY MR. SENG BUNKHEANG:

10 Q. Mr. Nuon Chea, is this record made by you?

11 MR. NUON CHEA:

12 A. Yes.

13 Q. Do you confirm the dates mentioned in this document and do you  
14 use any other documents in order to refresh your memory relating  
15 to those dates?

16 A. Yes. In preparing this document, I have had some documents  
17 reserved as a reference.

18 Q. Can you indicate the references you cited from?

19 [10.56.51]

20 A. I do not remember all. I refer to certain documents in foreign  
21 languages as well.

22 Q. In this document, certain places, they are illegible, and I  
23 would like to ask you for your clarification.

24 First, on the first page, the last line of the page, starting  
25 from "1964-1965", can you read?

1 A. Mr. President: "1964–1965: Pol Pot, Son Sen, Ieng Sary left  
2 Office 100 for Cambodian Vietnam's border, in the Northeastern  
3 part of Cambodia."

4 Q. Can you tell the Chamber what is Office 100?

5 A. Office 100 was formerly the Central Office.

6 Q. How many days would it take to travel from Phnom Penh to  
7 Office 100?

8 A. To my recollection, (unintelligible) the secondary road.  
9 Sometimes, we travelled there on foot; sometimes, we travel by  
10 car or trucks. We do not know how many days exactly.

11 Q. On page 2, line 8, beginning with "the 1st of January 1968",  
12 can you read this line out?

13 [10.59.41]

14 A. There are pages 5, 6, 9, and 10, and there is no any other  
15 page.

16 Q. No, on page 2 -- ERN in Khmer, 00757831 -- and it was on line  
17 8.

18 A. Could you please repeat your question? What line was it?

19 Q. It's line number 8, starting with "the 1st January 1968".

20 A. "1st January 1968: the Party, at the Central Zone, hold a zone  
21 secretaries' meeting."

22 Q. Thank you. That zone meeting was held -- what was the content  
23 of the meeting?

24 A. As I recall, the meeting was to resolve the issue of building  
25 dams, etc., and essentially to improve the livelihood of the

1 people.

2 Q. Where was the meeting held?

3 A. As I recall, it was along the Steung Chinit.

4 Q. Also in that line, it reads "the Central Zone". What does it  
5 mean?

6 [11.02.35]

7 A. Central Zone encompassed Kampong Chhnang, Pursat, etc.

8 Q. Who were the participants in that meeting?

9 A. As I recall, there were the -- there were myself, Ta Mok, and  
10 a few others whose names I could not recall.

11 Q. What-- Was the issue of armed struggle decided in that  
12 meeting?

13 A. Mr. President, yes, there was a decision on the initiation of  
14 the armed and political struggle.

15 Q. On lined 15, start with "the month of December 1969", could  
16 you read it?

17 A. It's: "Between September 1969, Nuon Chea went to Rattanakiri."

18 [11.04.35]

19 Q. Can you inform the Trial Chamber as whether it was the same  
20 thing as you told Mr. Khem Ngun, that you went to a meeting in  
21 Rattanakiri and that it took one month to go back and forth? Is  
22 that correct?

23 And also, for the transcript record, the document number is IS  
24 20.28, ERN in Khmer 00078199. In English, 00184671, and in  
25 French, 00596193.

1 A. Mr. President, it took more than one month to -- just to go or  
2 to come back.

3 Q. What was the content of the meeting and what were decided at  
4 the time?

5 A. At that time, the decisions were made in regard to the  
6 situation in the zone where it was charged. So I reported about  
7 that situation to Pol Pot, and we discussed the issue of armed  
8 and political struggle.

9 Q. On line 25, which reads "the date of 18 March 1970", can you  
10 read the four lines starting from that line?

11 [11.07.04]

12 A. "18 March 1970. At that time, there was a coup d'état to  
13 topple Sihanouk."

14 The word "Dou", in Khmer, reads -- I wrote here means the  
15 "topple", the "coup d'état" against Sihanouk.

16 And the next line, it reads:

17 Vietnam made a false statistics through Ta Mok. Nguyen Van Linh  
18 requested me to recruit some of the Kampuchean youth and that  
19 they would be educated by the Vietnamese soldiers. But the  
20 Vietnamese fabricated a statistic and sent it to Ta Mok to  
21 organize a regiment of soldiers. And at that time Nguyen Thi Dinh  
22 met with So Phim in order to seek refuge, as I said earlier.

23 [11.08.25]

24 So this is a summary of these four lines.

25 Q. Thank you. Now, we move to page 3 of that document. I'd like

1 you to read line number 5, starting with "the month of October  
2 1970". Could you please read that line?

3 A. Line number 5, it reads: "October 1970: Pol Pot gathered for a  
4 full plenary meeting at Boeng Lvea, in Santuk district.

5 Q. Please read the next line, as well.

6 A. "In Kampong Thom, it's decided to appoint main cadres for them  
7 to spearhead in various zones."

8 Actually, the Santuk district in the above line refers to a  
9 district in Kampong Thom province.

10 Q. Did you participate in that meeting?

11 A. As I told the President, yes, I did.

12 Q. Was there a CPK office in Boeng Lvea, Santuk district?

13 A. Yes, there was, but it was mobile.

14 [11.10.28]

15 Q. Can you recall who were the participants of the meeting?

16 A. As I recall, they were all Party's zone secretaries.

17 Q. What was discussed and decided, in that meeting, by the  
18 Standing Committee -- by the Central Committee, rather?

19 A. As I recall, in -- for the period of October, November, and  
20 December, there were the negotiations between Pol Pot and

21 Vietnamese counterpart, Nguyen Van Linh, in order to facilitate  
22 the cooperation and the attack.

23 Q. In that record, it also reads that main cadres were appointed  
24 to each zone.

25 [11.11.53]

1 Why was that to be done?

2 A. Because, for those main cadres, they had to be members of the  
3 Central Committee who would then go to control the zone.

4 Q. At that time, which cadres were appointed to each zone, if you  
5 can recall?

6 A. Wherever -- whichever zone they came from, they would go back  
7 to that zone. Like Ta Mok, he's from the Southwest, then he would  
8 be assigned to Southwest. And So Phim from the East, then he  
9 would be assigned to the East. As for Koy Thuon, he was sent back  
10 to his respective North Zone. That's what I can recall.

11 Q. Thank you. Can you inform the Chamber in regards to the roles  
12 and responsibilities of each zone secretary? What were their  
13 roles and responsibilities in the implementation of the Party  
14 policies at that -- their respective zone?

15 A. Each cadre was responsible in the implementation of the  
16 Party's policy, based on the decision of the Party's congress.

17 Q. Next, I'd like you to read the last line -- that is, the last  
18 two lines in that page, starting from "at that time".

19 A. "At that time, the Kampuchean Revolutionary Armies reached the  
20 number of 200,000. The insecure situations were everywhere in  
21 Phnom Penh, and Lon Nol could not manage the situation."

22 Q. The "200,000 soldiers" in the -- in that figure, was that  
23 correct?

24 A. Yes, "200,000 soldiers" was correct.

25 Q. We now move on to page umber 4, on line 3, which reads the



1 date "26 January 1974".

2 A. It reads: "26 January 1974: The GRUNK made an announcement of  
3 the continuation of struggle."

4 Q. Also, can you read line 5, starting with "April 1974"?

5 A. "April 1974: There was an incident. The Kampuchean  
6 Revolutionary Armies were about 60 kilometres from the  
7 Pochentong."

8 [11.16.07]

9 Q. Also, can you also read lines 9 and 10.

10 A. "In late March 1975, the Vietnamese Party requested for a  
11 meeting -- to meet with the CPK."

12 Q. Can you read line 10?

13 A. "At that time -- that is, after Phnom Penh was seized -- Pol  
14 Pot went to stay at Krang Doung, alias B-5, in Peam commune,  
15 Kampong Tralach, alias Chan Tei (phonetic). He stationed there in  
16 order to command for the control of the liberation of Phnom  
17 Penh."

18 Q. Let me now return to line number 5, regarding the  
19 demonstration in April 1975 -- '74, rather. What happened? Can  
20 you tell us?

21 A. As I recall, there were many demonstrations held in various  
22 locations throughout, because the soldiers were approaching Phnom  
23 Penh. So there were various demonstrations, in particular by the  
24 students.

25 Q. Thank you.

1 [11.18.21]

2 Next, I'd like to move to page number 5. I'd like you to look at  
3 the right column. Can you read the two lines?

4 A. What line is it? What line number is it? Line 15?

5 Q. In fact, it is on the right column on that page, and there are  
6 only two lines.

7 A. "At that time, So Phim committed suicide in May 1978, and Koy  
8 Thuon was arrested in 1977. At that time, there was a rebellious  
9 activity, and there was fighting in the East, and for that  
10 reason, the Standing Committee sent soldiers to that area to  
11 resolve the situation. So Phim fled and, as he could not escape,  
12 then he committed suicide."

13 [11.19.53]

14 Q. Now, we refer to line 12 on the left column. Can you read?

15 A. "Regarding the congress, as Comrade Heng recalled, in 1960,  
16 '63, and '76, there should be a reshuffled of the Standing  
17 Committee, and, in 1978, the new Standing Committee members were  
18 appointed."

19 Q. Thank you.

20 We now move on to the last page, on line 16, starting with "the  
21 year of 1942".

22 A. It reads: "1942. At that time I went for my study in  
23 Thailand."

24 Q. Regarding your education in Thailand, did you study law at  
25 Thammasat University? And how long did you study there?

1 [11.21.43]

2 A. I studied for three years, but I did not take my exit exam, as  
3 I left for my struggle.

4 Q. In your class, what language was used?

5 A. It was conducted in English and Thai.

6 Q. Did you know Thai or English fluently?

7 A. Not really in English, but I was fluent in Thai.

8 Q. How many foreign languages can you use?

9 A. For political language, I can use Thai and Vietnamese  
10 languages.

11 Q. Thank you.

12 [11.22.55]

13 On line 18, which reads "1946"--

14 A. "In 1946, I joined the Thai Democratic Youth Organization. In  
15 Thailand there was this organization under the leadership of the  
16 Thai Communist Party."

17 Q. This Thai Democratic Youth Organization, what was it?

18 A. This youth organization is to gather the progressive youth  
19 with democratic spirit in order to gather to discuss the  
20 political issues, the situation in Thailand, etc.

21 Q. We move to line 24.

22 A. This is in regards to the division of the Indochinese Party  
23 into three separate parties in 1951. At that time, that is, in  
24 1950, there was still the Indochinese Party, but by 1951, that  
25 Indochinese Party was divided into three parties. One is the

41

1 Vietnamese Labour Party, two is the Kampuchean People's Party,  
2 and three the Lao's People's Party.

3 Q. Were you present at that meeting to divide the Party?

4 A. I was there, Mr. President.

5 Q. Who actually invited you to join that congress to split up the  
6 Indochinese Party?

7 A. I was invited by those previous members. They were the  
8 standing member, and his name was Udom.

9 [11.25.40]

10 Q. Can you recall the representatives from Kampuchea? How many  
11 were they?

12 A. I cannot recall as I did not meet them. Because in Thailand we  
13 stayed in separate pagodas.

14 Q. When you participate in that congress to split up the  
15 Indochinese Party, did you see the representative from Kampuchea?

16 A. No, I did not see any.

17 Q. Thank you.

18 [11.26.45]

19 I'd like now to move on to another subject that is in regards to  
20 your names. Can you inform the Chamber of all the names that you  
21 have used so far?

22 A. My birth name that is in my birth certificate was Lao Kim  
23 Lorn, and later on I used the -- I used many aliases, including  
24 Peanh Chea and, later on, Nuon Chea.

25 Q. When did you start using your alias Nuon Chea?

1 A. When I returned to stay in Cambodia.

2 Q. Did you use the alias Long Bunruot or Long Ruot?

3 A. No. I think there were mistakes.

4 Q. During your time you started in Thailand, did you use your  
5 birth name?

6 A. I used the word Long Ruot Lao Dee (phonetic); that's my name,  
7 because, in Thailand, all the Khmer students need to translate  
8 their names into the Thai language.

9 Q. Thank you. In regards to the "Revolutionary" books, commencing  
10 from September 1960 through April 1975, were the "Revolutionary  
11 Flags" published frequently?

12 A. It was a monthly publication, as I recall.

13 Q. Was it a secret magazine, only distributed within the members?

14 A. It was only distributed to cadres.

15 Q. Why that magazine was considered confidential?

16 [11.29.39]

17 A. Because, at that time, we have to maintain our  
18 confidentiality. If it was seen by somebody else, then we would  
19 be arrested by the government.

20 Q. For each publication, how many copies were it -- was it  
21 printed?

22 A. As I remember, it was written by hand and published manually  
23 and there were only a handful of those books, probably about 10  
24 for the distribution through various zones.

25 Q. Now, I move on to another topic that is in regard to the

1 method for -- for joining the Communist Party of Kampuchea. Can  
2 you inform the Chamber of how someone can join the Party?

3 A. Initially, the -- I was in the Thai Democratic Youth  
4 Organization to test myself, to join in various demonstrations  
5 against the government against the arrest of the progressive  
6 professors at the Thammasat University, etc. And after that, they  
7 noticed that I was active and was invited to join the Party.  
8 There was no real or proper process or to -- or to respect the  
9 flag because the process was covered and I need -- I needed to  
10 spend seven months in the preparatory stage before I could join  
11 the Party.

12 [11.31.46]

13 Q. The question is that for each Party who were to join the  
14 Communist Party of Kampuchea, what was the method or the  
15 approach?

16 A. Is it for the Communist Party of Kampuchea?

17 Q. Yes.

18 A. When I returned, I was inducted by a Vietnamese cadre. He said  
19 I was a former Thai Communist Party and now that I returned to  
20 work in Kampuchea, I could be transferred to join the Indochinese  
21 Communist Party.

22 Q. I would like to speak in general term for the Communist Party  
23 of Kampuchea. If somebody was requested to join the Party, what  
24 was the procedure -- this is a general not a -- not in your  
25 particular case.

1 [11.32.58]

2 A. As far as I know, there was a criterion that the person must  
3 be patriotic, must love the people, must not be a vagabond, and  
4 must adhere to the Party's organization's disciplines and must  
5 have high morale without having to indulge oneself in heavy  
6 drinking or womanizing. That is also without engage in any  
7 gambling in short. And then a person will be tested through --  
8 through working.

9 Q. So the person who wanted to join the Party must have the  
10 inductee?

11 A. There has to be some -- there has to be three presenters  
12 before that person could be acknowledged to join the Party.

13 Q. As for the person -- the person shall sign like an agreement  
14 to adhere to the Party's principle?

15 A. They had to take an oath before the Party Flag that the person  
16 shall commit to the nation, the people and to adhere to the  
17 Party's directions and disciplines and to sacrifice any personal  
18 interest for the common interest. If there is a conflict of  
19 personal interest and the common interest, common interest shall  
20 prevail. This is what I can recall.

21 Q. For an ordinary Party's member who wants to become a Central  
22 or Standing Committee, what are the criteria?

23 A. For a Party's member to become a Central or Standing Committee  
24 member, that person must be a member of the Party's district or  
25 village committee, that they had to build themselves up from that

1 level, then they would become the Party's branch at the commune  
2 level. And if the performance was good, then it will be promoted  
3 to the district level. At that time, there was also a sector  
4 level so it goes up a gradually in that order and then from the  
5 sector to the zone.

6 [11.36.24]

7 In general, the person must be sincere and hardworking, and the  
8 person must commit himself or herself to conduct a struggle.

9 [11.36.52]

10 Q. Was there any exception or every Party's member is equal, that  
11 every Party member is entitled to join the Central or the  
12 Standing Committee?

13 A. As long as the person had the revolutionary virtue or  
14 revolutionary morale and hardworking, the person could be  
15 entitled to be promoted to join that committee. The important  
16 thing is that they must have good class element. If they had a  
17 poor peasant -- in the poor peasant's class and had good - or,  
18 rather, more than educational background, then the chance was  
19 good. For other classes who did not have much education or were  
20 rather non-active, then the preparatory period could be longer;  
21 it could be between one and two years.

22 Q. As you stated, there was no exception that everybody had to  
23 follow by these directions; right?

24 A. Yes.

25 Q. Thank you.



1 I'd like now to move on to another subject regarding your  
2 relationship with Khieu Samphan. Can you confirm when was the  
3 first time that you met with Khieu Samphan?

4 [11.38.43]

5 A. I believe I met him in the forest.

6 Q. What is the location where you met?

7 A. Well, I -- to my recollection, it was somewhere around Aoral  
8 Mountain.

9 Q. Which year was it?

10 A. I do not recall the year when I met him.

11 Q. Do you have any event which can refresh your memory of your  
12 meeting with him?

13 [11.39.34]

14 A. Well, I had never known him but, at that time, I was  
15 introduced -- that he was Khieu Samphan. But I rarely contacted  
16 him because he belonged to the intellectuals group and the -- Pol  
17 Pot was responsible for establishing relationship with the  
18 intellectuals. And for me, I did a different task. I established  
19 relations with Party members who were recruited from grass root  
20 levels, such as from poor peasant.

21 Q. Did Mr. Khieu Samphan attended meetings with you until 1975?

22 A. Well, I do not remember, but I think that he did not attend  
23 the meetings with me because he had other meetings to attend,  
24 while I organized other meetings.

25 Q. So you are suggesting that you did not have any meetings with

47

1 Mr. Khieu Samphan at all; is -- was that correct?

2 A. Yes.

3 Q. Now, I move on to the next point. I would like to refer to  
4 document IS 20 - IS 20.32.

5 You had an interview in--

6 Mr. President, I would like to seek your leave to present this  
7 document to the Accused in hard copy.

8 MR. PRESIDENT:

9 Court officer is instructed to take the document from the  
10 Prosecution and present it to the Accused.

11 BY MR. SENG BUNKHEANG:

12 Q. Do you still remember the -- your interview with Mr.  
13 Thaitawat?

14 MR. NUON CHEA:

15 A. Mr. President, I do not know this person. I don't know.

16 [11.42.29]

17 Q. If you look at this document on the first page, there is an  
18 indication that this interview was joined by Mr. Naowarat  
19 Suksamran, who was the editor -- provincial editor for "Bangkok  
20 Post" and a major -- a major in Thai. And your wife was also  
21 present during this interview.

22 [11.43.11]

23 A. I'm sorry, President -- Mr. President., I don't remember.

24 Q. (No interpretation)

25 MR. PESTMAN:

48

1 Yes. Thank you, Mr. President. Is it possible to get a reference  
2 of the English version of this interview or document as well, so  
3 we can look it up? Or can it be projected-- And can it be  
4 projected on the screen so that we can all have a look? Thank  
5 you.

6 MR. PRESIDENT:

7 Yes, thank you. Can the Co-Prosecutor indicate the ERN numbers in  
8 three languages so that we can have them displayed on the screen?

9 MR. SENG BUNKHEANG:

10 Mr. President, we do not have any substantial question, but we  
11 simply inform the Chamber that this document bears the number IS  
12 20.32.

13 MR. PRESIDENT:

14 If you do not have any substantial questions on this particular  
15 documents, then you may move on to another question.

16 MR. SENG BUNKHEANG:

17 Thank you, Mr. President.

18 Document IS 20.34; may I seek leave from the President to present  
19 this document to the Accused?

20 MR. PRESIDENT:

21 Court officer is instructed to bring this document to present it  
22 to Nuon Chea.

23 [11.45.11]

24 Again, Co-Prosecutor, you should clearly indicate the identity of  
25 the document and, if possible, have them projected on the screen

1 so that the parties, as well as the Chamber, can see these  
2 documents and it is easier to direct the Accused accordingly.

3 MR. SENG BUNKHEANG:

4 Thank you, Mr. President. My colleague is -- get them projected.

5 This document bears the number IS 20.34.

6 MR. NUON CHEA:

7 (Microphone not activated)

8 MR. PRESIDENT:

9 Please activate your mic.

10 [11.46.15]

11 MR. NUON CHEA:

12 A. Mr. President, upon scrutinizing this document, I can -- I  
13 know the identity of the document.

14 BY MR. SENG BUNKHEANG:

15 Q. I heard that -- Mr. Nuon Chea say that, upon reading it, you  
16 recognize this document.

17 MR. NUON CHEA:

18 A. I do not remember.

19 Q. This -- the document being displayed is the interview by Mr.

20 Ea Meng-Try and Sopheak Loeung , page 10 to 18; ERN in Khmer,

21 00347040 to 00347048; ERN in English, 0000931 to 00000935.

22 [11.48.28]

23 MR. PRESIDENT:

24 The defence counsel for Khieu Samphan is on his feet, so you have

25 any issue to raise, you may proceed.

50

1 [11.48.38]

2 MR. VERCKEN:

3 Thank you, Mr. President. Excuse me, Mr. Nuon Chea, but I would  
4 like to make an objection here.

5 I'd like to inform the Court that the Co-Prosecutor is  
6 questioning the Accused about a document that I, personally, do  
7 not have, and I'm interested to see if, in a questioning session  
8 like this, which has been planned for a long while now, if it's  
9 not possible to run off the document so that we can avail  
10 ourselves of them. If the Prosecution does not have a photocopy  
11 to do that, then we would be most happy to provide that service  
12 so that we could actually follow these debates.

13 [11.49.33]

14 Mr. Nuon Chea has his document, but I have nothing before me,  
15 either on the screen or in hard copy. And so, when we're having a  
16 session like this, that has been prepared well in advance, it  
17 would be extremely useful if we could be told in advance of which  
18 documents are going to be brought forward in Court. Thank you.

19 MR. PRESIDENT:

20 National Prosecutor, do you have document in French?

21 MR. SENG BUNKHEANG:

22 Document IS 20.34, ERN in French 00613200 to 00613212.

23 BY MR. SENG BUNKHEANG:

24 Q. Mr. Nuon Chea, have you ever had an interview with -- with  
25 these two people?

1 MR. NUON CHEA:

2 A. Mr. President, who the two people you are talking about?

3 [11.50.56]

4 Q. The interview with Ea Meng-Try and Sopheak Loeung.

5 A. I do not know them. I do not know the names. I -- of course,

6 there have been people visiting me at my home, and they did not

7 tell me sometime the names or their purpose; they simply asked me

8 question and I simply answer those questions.

9 [11.51.23]

10 Q. Now, I would like to move on to another one. The book written

11 by Mr. Khieu Samphan, considering the events in Cambodia until

12 the -- 1975. And you were appointed as the Standing Committee

13 members. It's document D213.2; ERN in Khmer, 00380305 to 7;

14 English, 00498222 to 6; in French, 00643822 to 4.

15 Is that correct that you were appointed as the Central Committee

16 members in -- of the Kampuchea Communist Party in 1951?

17 A. I have never seen this book, but, in 1951, I was not appointed

18 as Central Committee member. I was merely a Party member. I went

19 down to -- to disseminate education and propaganda. And in 1951,

20 we were actually still resisting against the French colonialism,

21 and there was no official appointment of the Central Committee.

22 Q. So, at that time, what was your role in the Kampuchea

23 Revolutionary Party?

24 A. At that time, I was in charge of propaganda and education. I

25 edited paper and news known as "Issarak News", and we educated

52

1 Party members in the village and grass root levels.

2 Q. There was a speech by Pol Pot. He said that:

3 "In 1957, we designated management in order to carry out the  
4 Party political lines, and the members of this committee were the  
5 representative from the people at the grass root level -- at the  
6 base level -- as well as those from Phnom Penh."

7 Document D-- ERN in Khmer, 0063133 (sic); ERN in English,  
8 00486225; ERN in French, 00492280.

9 [11.55.43]

10 A. I'm sorry, Mr. President. I have never seen that speech.

11 Q. You informed the Chamber already that you work with Pol Pot to  
12 design the Party political lines, so could you enlighten the  
13 Chamber as to who else was involved in designing the Party's  
14 political line. For example, Mr. Ieng Sary, was he also involved  
15 in that?

16 [11.56.19]

17 A. To my recollection, at that time, Tou Samouth was also  
18 involved in his capacity as advisor. As for me, I was a person  
19 who understand situation at the grass root level, and Pol Pot was  
20 the one who grabs the situation in the city and Ieng Sary was not  
21 involved, if I remember correctly. Tou Samouth, Pol Pot, and I  
22 were the ones who designed the Party's political line at the  
23 beginning.

24 Q. During the First Party Congress, in 1960, did you travel to  
25 Tay Ninh province to explain the -- Vietnam's Communist Party

1 about the political lines that you have devised?

2 A. I remember we went there but I do not know the exact date. I  
3 do not -- I cannot recall the exact date but, of course, we went  
4 to Tay Ninh province to explain the political lines, as well as  
5 the strategic and tactical lines of the Party. But the Vietnamese  
6 Communist Party did not like the idea because they said we have  
7 not discussed with them.

8 Q. So, despite the disapproval from the Vietnamese Communist  
9 Party, did you still stand by your political lines?

10 A. Yes, we decided to maintain our political lines because  
11 Communist Party of Kampuchea was independent and sovereign and we  
12 are self-reliant and we take firm hold of our destiny. As for  
13 Vietnam Communist Party, even if they did not like it, we would  
14 continue our position.

15 [11.58.43]

16 Q. Do you recall as to which particular area the Vietnamese  
17 Communist Party of Kampuchea -- with Vietnamese Communist Party?

18 A. To my recollection, the Vietnamese did not like the ideas that  
19 we would employ the dual strategy of armed struggle as well as  
20 political struggle.

21 [11.59.10]

22 But the Kampuchea Communist Party saw that it was important for  
23 them. That's why we decided to pursue this goal.

24 Q. So who went along with you to explain to the -- your  
25 Vietnamese counterpart?



54

1 A. Well, I went there alone, nobody else.

2 MR. SENG BUNKHEANG:

3 Well, due to time, I would like to pause my question here. And  
4 thank you, Mr. President, for allowing me the opportunity to put  
5 question.

6 MR. PRESIDENT:

7 Thank you, National Prosecutor.

8 It is now time to break for lunch.

9 But before the adjournment, I wish to let the prosecutor know  
10 that the time you have left to ask the question is now up. So the  
11 Prosecution's time has run up for -- run out for the questioning,  
12 and when we resume, we will give the floor to other parties.  
13 So the defence for Nuon Chea is on his feet. You may now proceed.

14 MR. PESTMAN:

15 My client would like to request for -- to be transferred to the  
16 holding cell and to stay there for the afternoon proceedings.  
17 And, as far as I understood, we were going to continue with the  
18 witness we heard last week, this afternoon.

19 [12.01.19]

20 MR. PRESIDENT:

21 Upon hearing the oral request from Mr. Nuon Chea through his  
22 counsel that he waives his right to participate directly in this  
23 courtroom and follow the proceedings in the holding cell through  
24 audiovisual equipment, the Chamber grants this request, request  
25 to not be present in the courtroom, and he is allowed to follow

1 the proceeding from the holding cell through audiovisual link.

2 And the Chamber wishes to remind me the defence counsel that a

3 letter of waiver shall be submitted to the Chamber immediately

4 with the signature or fingerprint of Mr. Nuon Chea. And the

5 Chamber also instructs the audiovisual equipment staff to make

6 sure that the equipment is linked so that the Accused can follow

7 the proceeding from the holding cell.

8 The security guards are now instructed to bring Mr. Nuon Chea and

9 Mr. Khieu Samphan to the holding cell, downstairs. And this

10 afternoon, Mr. Khieu Samphan should be bring to the -- should be

11 brought to the courtroom before 1.30, and Mr. Nuon Chea may

12 remain in the holding cell and be connected to the audiovisual

13 link to following the proceeding remotely.

14 The Court is now adjourned.

15 (Court recesses from 1202H to 1330H)

16 MR. PRESIDENT:

17 This afternoon, the Chamber will resume hearing the testimony of

18 witness Prak Yut.

19 The witness will be questioned by the defence counsel.

20 Mr. Phary, is the witness present today?

21 [13.32.23]

22 THE GREFFIER:

23 Mr. President, the witness Prak Yut is present. She is in the

24 waiting room, awaiting the summons by Your Honour.

25 MR. PRESIDENT:

1 Thank you, Mr. Phary.

2 Court officer, could you invite the witness into the courtroom?

3 You may proceed.

4 MS. SIMONNEAU-FORT:

5 Thank you, Mr. President. We asked for permission to use another  
6 quarter of an hour today, and we understood that -- at the Friday  
7 morning meeting, that we had indeed been granted a further 15  
8 minutes at the start of this hearing, this afternoon.

9 (The witness, Ms. Prak Yut, is taken to the dock)

10 (Judges deliberate)

11 [13.33.56]

12 MR. PRESIDENT:

13 Yes, Lead Co-Lawyer, your request is granted. You have another 15  
14 minutes to put question to the witness.

15 However, before we hand over the floor to you, we'd like to  
16 remind the Lead Co-Lawyers and all the defence counsel that,  
17 during the questioning of the witness before the Trial Chamber in  
18 Case 002, you are not allowed to use a statement or the record of  
19 interview of another person or witness as your base to put  
20 questions to this witness. We already ruled on this issue, so do  
21 not repeat this same process.

22 You may now proceed.

23 [13.35.14]

24 QUESTIONING BY MS. SUTZ RESUMES:

25 Thank you, Mr. President. Thank you for the additional 15

1 minutes.

2 Good afternoon, Your Honours. Good afternoon, everybody. Good  
3 afternoon, Madam Witness. Let me resume where I left off on  
4 Thursday afternoon.

5 Q. I'd like to begin with a few general questions just to be sure  
6 that you fully understood the reason why you are here today,  
7 Madam.

8 Have you understood that you are here to appear as a witness and  
9 not to be judged?

10 MS. PRAK YUT:

11 A. Yes, I understand. I am here as a witness.

12 Q. And have you understood that the questions that we're going to  
13 ask you are designed to establish the truth about certain facts  
14 of which you are aware and which are connected to certain  
15 presumed crimes of which the three Accused are, indeed, accused?

16 A. (No interpretation)

17 THE INTERPRETER:

18 May the President ask the witness to repeat her statement?

19 MS. SUTZ:

20 Would you like me to repeat the question?

21 (Short pause)

22 [13.37.23]

23 Would you like me to repeat the question? I didn't hear the  
24 answer to that.

25 MR. PRESIDENT:

1 Please repeat your question.

2 I'd like to remind you that the witness who is sitting before you  
3 has low education, so your questions should be simple and short  
4 so that she can respond to your question. Otherwise, your  
5 15-minute allocation might not be as effective as you wish for.

6 BY MS. SUTZ:

7 Thank you, Mr. President.

8 Q. Madam, I just wanted to ask you if you had fully understood  
9 that the questions that we are asking you are designed to  
10 establish the truth on certain facts of which you are aware and  
11 which are apparently connected with the presumed crimes of which  
12 Nuon Chea, Khieu Samphan, and Ieng Sary are accused.

13 [13.38.55]

14 MS. PRAK YUT:

15 A. I will respond to your questions, but I don't really  
16 understand your statement you just made.

17 Q. Let me go on to the last one of my general questions. Have you  
18 also understood that you are under oath and that, when you answer  
19 questions, you are obliged to tell the truth and that, in the  
20 event that you do not, you are, in fact, liable before the  
21 Cambodian Courts?

22 A. Generally speaking, I am not really aware of what are the  
23 charges against Khieu Samphan or Ieng Sary, and of course I will  
24 speak the truth. But I don't really understand the nature of the  
25 charges against those people.

1 [13.40.14]

2 Q. Thank you, Madam.

3 I'm now going to resume where I left off on Thursday afternoon  
4 with my questioning, and at that point in time I was asking you  
5 about your role between 1977 and 1978, when you were in the  
6 Kampong Siem province. So I'll briefly come back to that.

7 But to make my procedure quite clear before this Chamber and to  
8 prevent any objections from the Defence, I would just point out  
9 that my aim is to establish the structure as it existed in the --  
10 at the different levels of the Central Zone to establish the  
11 different structures, especially the decision-making structures.

12 [13.41.13]

13 I'm going to refer to some security centres and an execution  
14 centre which are in the Central Zone, which do not fall within  
15 the scope of the trial in the sense that they are not to be found  
16 in the Closing Order. My aim is not to establish what happened  
17 there, but to establish the decision-making structures and to  
18 clarify how power was wielded at the different levels within the  
19 zone.

20 So, Madam, last week, you told us that you were district  
21 secretary in Kampong Siem and fourth member of Sector 41 between  
22 1977 and 1978.

23 Can you tell us if you had any other responsibilities at that  
24 same period, within the sector and within the zone? Thank you.

25 [13.42.17]

60

1 A. Could you please repeat your question again? I do not  
2 understand your question. What do you mean when you refer to the  
3 district or the sector level?

4 Q. Let me make it a little more direct. You told us that you had  
5 been Kampong Siem district sector (sic) and the fourth member of  
6 Sector 41. Have you also been a delegated secretary in the  
7 committee for Sector 41?

8 A. I was the fourth member of Sector 41 and I was the secretary  
9 of Kampong Siem district.

10 Q. But you were never appointed as secretary of the Sector 41  
11 Committee.

12 A. In Sector 41, I was in charge of a district. In Sector 41, I  
13 was in charge of Kampong Siem district.

14 Q. Thank you. Did you have Central Zone Committee  
15 responsibilities? Were you a member?

16 [13.44.00]

17 A. No, I was not involved at the Central Zone; I was in Sector  
18 41. I was not part of the zone. I was only a member of Sector 41  
19 and I was in the Kampong Siem district.

20 Q. You did say, though, that you had attended a meeting in the  
21 Central Zone. Do you know who the members were of the committee  
22 for the Central Zone?

23 A. I participated in the meeting in the Central Zone. I cannot  
24 recall the names of the participants. However, there were a few,  
25 including Chon (phonetic). I only remember three participants,

1 and most of them already died.

2 Q. Was Mr. Ta An a member of the Central Zone committee?

3 A. I was not sure whether he was in the zone committee. I did not  
4 ask him. I only knew about Sector 41. I'm not sure if he -- if Ta  
5 An was also connected to the zone committee.

6 [13.45.52]

7 Q. Thank you. Last Thursday, when you were being questioned by  
8 the Co-Prosecutors, you said that there was a security centre in  
9 the district of Kampong Siem, between the district office and  
10 Phnom Pros Mountain. Can you tell us the name of that security  
11 centre?

12 A. I was in charge of security in that area. I was also involved  
13 in educating people, the local people in that area. The education  
14 was provided to those people residing in between the Phnom  
15 Pros--Phnom Srei Mountain.

16 Q. Can you give us the precise name of the security centre that  
17 you're referring to?

18 A. There was no one in charge of that area because it was not yet  
19 fully organized at the time.

20 Q. Was it Angkuonh Dei Pagoda?

21 A. Yes, the district office was located at Angkuonh Dei Pagoda.

22 [13.47.37]

23 Q. But the security centre that you told us about, was it at the  
24 pagoda of Angkuonh Dei?

25 A. Yes, the security centre was located in that pagoda.



62

1 Q. Thank you. Last week, you said -- I quote transcript, page 70:  
2 "This security centre didn't belong to the sector or the zone. It  
3 was there for the district. I was the one who re-educated people  
4 in that place."

5 Could you explain a little bit more precisely what this  
6 signified? And were you in charge of that security centre?

7 A. Yes, I was in charge of that educational office.

8 Q. Thank you. Does that mean that you took the decisions to send  
9 people to the security centre yourselves, or were you at the  
10 receiving end of orders from higher levels to send people to the  
11 centre?

12 [13.48.58]

13 A. For the people, those who could not be educated or who did not  
14 behave properly, then they would be taken to the district office  
15 for education. There was no order from the upper level. I,  
16 myself, decided on this education.

17 Q. So you decided, you didn't receive orders from anybody else.

18 A. Yes, I made the decision. If the person cannot be educated,  
19 then the person would be sent to the sector for another  
20 education.

21 Q. Thank you. In the Kampong Siem district, was there also an  
22 execution site?

23 A. There was no execute site in Kampong Siem district.

24 [13.50.20]

25 Q. Have you already heard the name Phnom Pros--Phnom Srei?

63

1 A. Of course. We saw the Phnom Pros--Phnom Srei Mountains, but I  
2 did not know about any killing, as I did not visit the location  
3 often. I worked by myself at the district office. I did not know  
4 about the killing of people at the Phnom Pros--Phnom Srei, and  
5 that is the fact. It is not a lie before this Chamber.

6 MS. SUTZ:

7 Mr. President, if I may, I'd like to refer to some victim  
8 information forms which refer to that place and which also refer  
9 to Mrs. Prak Yut. The aim, as I have said, is to elucidate the  
10 existing structure for the district and the chain of command and  
11 those who were responsible for taking certain decisions.

12 MR. PRESIDENT:

13 What is your request? I don't really understand. The witness Prak  
14 Yut is here before us as a witness.

15 And, secondly, the time that you requested -- that is, the  
16 15-minute time allocation -- is expired.

17 So please can you verify your request? What do you actually want  
18 the Chamber to do?

19 MS. SUTZ:

20 Mr. President, I'd like to briefly refer to some civil party  
21 victim information forms, read them to Mrs. Prak Yut because they  
22 refer to that Phnom Pros--Phnom Srei place and they refer to Mrs.  
23 Prak Yut herself as well.

24 (Judges deliberate)

25 [13.55.12]

64

1 MR. PRESIDENT:

2 You-- Can you inform the Chamber the identity of the victim  
3 information form to applicant?

4 MS. SUTZ:

5 I can give you the references so as to protect the anonymity of  
6 the victims. We are referring to document D22/1264 and D22/3358.

7 MR. PRESIDENT:

8 In regards to that victim information form, it does not belong to  
9 this witness, Prak Yut; is that correct?

10 MS. SUTZ:

11 These are not documents which concern Mrs. Prak Yut directly, but  
12 which do quote her name.

13 (Judges deliberate)

14 [14.00.42]

15 MR. PRESIDENT:

16 Yes, please, Madam Judge Cartwright, I now hand over to you in  
17 order to respond to the request made by the counsel. Thank you.

18 JUDGE CARTWRIGHT:

19 Yes. Thank you, President. Very briefly, the Trial Chamber would  
20 like an opportunity to consider whether or not to grant  
21 permission to put these victim statements to this witness. And  
22 once we have determined the decision, if it is in favour of  
23 allowing you to put the statement, you will be given the floor  
24 again.

25 So would you please, now, move on to your remaining questions?

65

1 And I think the President would agree there's been an  
2 interruption of about five minutes at this stage. Thank you.

3 [14.01.33]

4 MS. SUTZ:

5 Thank you, Madam Judge. I have no further questions, but at a  
6 later stage, the questions would be in reference to civil party  
7 applications. Thank you.

8 MR. VERCKEN:

9 In the case, Mr. President, of your Chamber responding favourably  
10 to the request we have just heard, we would be most grateful to  
11 hear the ERNs of the documents she referred to for the French  
12 versions as well. Thank you.

13 MR. PRESIDENT:

14 The Chamber has heard several times from counsel for Khieu  
15 Samphan requesting for the ERN numbers. This Court uses the ZylAB  
16 system through which you can search for the documents, and you  
17 can just do so by typing the document number. Doing so, you will  
18 be able to locate the document in the language that you use.

19 I observe that you are the only one who raised this issue.

20 [14.03.31]

21 MR. VERCKEN:

22 I am the only person who's raised this issue, Mr. President,  
23 because I did conduct a search for the ERN numbers in French and  
24 I've noted that this document has not been translated into either  
25 French nor in English, and so I was simply inquiring as to

66

1 whether or not the civil parties could provide me that relevant  
2 information.

3 MS. SUTZ:

4 May I please have the floor, Mr. President, to reply?

5 MR. PRESIDENT:

6 The Chamber would like to hand over to counsel for Ieng Sary  
7 because he raised his hand before that. We just try to avoid  
8 discussion -- and less discussion.

9 [14.04.16]

10 MR. KARNAVAS:

11 Good afternoon, Mr. President. Good afternoon, Your Honours. And  
12 good afternoon to everyone in and around the courtroom. Before  
13 Your Honours make a decision on the application, I would wish to  
14 note a couple of points.

15 First of all, the civil party lawyer has made no offer of proof  
16 as to how the line of questioning she wishes to engage in is  
17 relevant to what this witness is here to testify about. And so,  
18 without further -- a further foundation, it would appear that the  
19 sole purpose is to try to get the witness to incriminate herself.

20 I would also add that in light of the questioning that is about  
21 to take place, should you grant the application, the witness  
22 should be advised of her rights to remain silent and against  
23 incrimination. I think it's an -- I think it's rather important,  
24 especially since it would seem that the -- they're trying to  
25 implicate the witness into potential alleged crimes.

67

1 [14.05.28]

2 So those are my applications, Your Honours. And, frankly, we  
3 would object to this line of questioning; we think it goes well  
4 beyond the scope for which this witness has been called to  
5 testify.

6 If they wish to hear from the witness concerning the reporting  
7 system or how it existed, then they can do so by asking questions  
8 that are relevant to her knowledge. I believe those questions  
9 have already been asked. Thank you.

10 MR. PRESIDENT:

11 Thank you. And now the floor is for lawyer for civil party.

12 [14.06.02]

13 MS. SUTZ:

14 Thank you very much, Mr. President. Obviously, our objective is  
15 not to have the witness incriminate herself, it is simply to  
16 manifest and search for the truth. We are seeking to establish as  
17 to whether or not there was, indeed, a chain of command and if  
18 the witness received any orders to send people to execution  
19 sites. Obviously, we are not trying to establish any guilt on her  
20 part, we are simply seeking to understand what orders she may  
21 have received from the upper echelon.

22 MS. PRAK YUT:

23 You ask me whether there were killing sites at Phnom Pros--Phnom  
24 Srei, in Kampong Siem district. I would like to talk about  
25 Kampong Siem district.

68

1 It was a place where I educated people and I would like to submit  
2 that I did not send any people to be killed at Phnom Pros and  
3 Phnom Srei.

4 And I would like to clarify also that the education that we  
5 conducted at the district office was not on any big issues. It  
6 was simply about educating people who conducted any wrongdoings,  
7 small or minor wrongdoings, and there were no people who were  
8 sent to be killed at Phnom Pros and Phnom Srei. This is my  
9 answer.

10 [14.08.04]

11 And when -- so, when you ask me about these issues, I said no, I  
12 did not know, because I simply did not know because I worked at  
13 Kampong Siem district and I did not know anything about Phnom  
14 Pros--Phnom Srei killings.

15 And you also said that this might be self-incriminating, but this  
16 is nothing to do with self-incriminating. Simply, I did not know  
17 about the killings at that place. I only knew about the things  
18 that happened in my district.

19 And sometimes I did not understand your question and so I just  
20 answered: "I did not understand your question."

21 (Judges deliberate)

22 [14.10.10]

23 MR. PRESIDENT:

24 The additional time granted to lawyer for civil parties has  
25 ended.

69

1 Now, the Chamber hands over to counsel for Nuon Chea to put  
2 questions to this witness if they wish to do so.

3 QUESTIONING BY MR. PESTMAN:

4 Thank you, Mr. President. Good afternoon, Ms. Prak Yut. I may be  
5 able to finish before the break. I certainly hope so because it's  
6 always difficult having to interrupt the cross-examination of a  
7 witness for an interval.

8 Q. Ms. Prak Yut, last week, you told us that, when you were a  
9 member of the Sector 35 Committee, you were in charge of women's  
10 affairs; is that correct?

11 MS. PRAK YUT:

12 A. Yes, it is.

13 [14.11.25]

14 Q. Would you also be called the women's chairperson?

15 A. I was called to be in charge for the women affairs.

16 Q. Okay. Would you ever meet, in that capacity, other people from  
17 other sectors -- from other sector committees in charge of  
18 women's affairs?

19 A. I do not understand the question. What do you mean by "other  
20 districts"?

21 Q. Were there other meetings within the zone with committee --  
22 sector committee members in charge of women's affairs?

23 A. At that time, there were meetings in Sector 35, and members of  
24 the committee participated in the meetings, but members from  
25 other places did not participate in the meetings.



1 Q. Did you ever meet the person who was in charge of women's  
2 affairs in Sector 13?

3 A. What is the person's name? Who are you referring to? Unless I  
4 know about his name, I could not tell you whether I ever met the  
5 person or not.

6 Q. I can help you a little bit. She was born in your village,  
7 Kbal Ou, in 1946; she is almost your age. Does that help?

8 [14.13.54]

9 A. I could not recall it. I forget about it. It was a long time  
10 ago.

11 Q. Last week, when you spoke about the other Sector 35 Committee  
12 members, you mentioned several names: Ta Phan, Ta Sean, Ta Kat,  
13 Kang Chap and Ta Ti.

14 A. Yes, they were in Sector 35. I know everyone in that sector:  
15 Ta Kang, Ta Phan, Ta Sean, Ta Noy -- I know all these persons in  
16 the sector committee. But they all died. One remains alive,  
17 however, but he is now very, very old.

18 Q. And who is that person that is still alive?

19 A. No one is alive. I am the only one who is alive. Ta Ti, Ta Kat  
20 -- all died. The four or five of them all died. And if there are  
21 some of them who are still alive, I never contacted them.

22 [14.15.47]

23 Q. Do you remember your second interview with the investigators  
24 of this Court in 2009? Very short interview. Do you remember that  
25 interview?

1 A. Was it the first time?

2 Q. Second, the second interview.

3 A. The second interview was brief, but I do not remember the date  
4 of the interview unless I read from the form.

5 Q. Do you remember the question they asked you?

6 A. I don't really remember because I do not read it every day. I  
7 do not remember all of it.

8 Q. They asked you one question, and that was: "Was Ta An a member  
9 of the Sector 35 Committee?" Do you remember?

10 [14.17.26]

11 A. At the time, I'm not sure what is the rank of Ta An; I'm not  
12 sure whether he was a third or a fourth or a fifth member of the  
13 committee, but he was there, in the committee. I just can't  
14 remember whether he was the third, the fourth or the fifth  
15 member, but there was one person whose name is Ta An.

16 I was the fourth member, but I'm not sure whether he was the  
17 third because there were up to the seventh member in the -- in  
18 Sector 35. There were up to nine members in the committee. But  
19 I'm not sure about Ta An.

20 Q. Ms. Prak Yut, why do you always forget to include his name  
21 when people ask you about the committee members in Sector 35?

22 A. Do you mean I forget my name? But I don't know why I always  
23 forget my name. I just know that Kang Chap was the chief, and we  
24 have members including Ta Ti, I, myself, Ta An, and others. But I  
25 forget. Of course, it was a long time ago. I also forget things

1 about myself.

2 [14.19.32]

3 Q. Do you remember what happened to Ta An after you were  
4 transferred to Sector 41?

5 A. Nothing happened to him. He was the secretary and he was with  
6 me in Sector 41.

7 Q. So did he become your secretary in Sector 41?

8 A. He was my chief.

9 Q. Do you remember who the deputy secretary of the zone was?

10 [14.20.34]

11 A. I can't recall it; I can't recall who was the sub-secretary.

12 The first member was probably Kang -- Ta Kang, Ta Sean, and three  
13 others who I can't remember their name.

14 Q. The deputy secretary of the new Central Zone was Ta An. Does  
15 that ring a bell?

16 A. No, it was not Ta An; Ta An was the chief.

17 Q. In your second interview, you told the investigators that you  
18 do not know whether Ta An is alive or dead now, and that was is  
19 in 2009.

20 A. Yes, this is correct. And you talk about the zone committees;

21 I don't understand about this. Can you ask me again about the

22 "new" zone committee? What do you mean by that?

23 [14.22.14]

24 Q. I've already progressed to the next question.

25 So it's correct that you don't know whether he is dead or alive

1 at the moment?

2 A. No, I don't. We never met again after we ran away. I'm not  
3 sure whether he is alive.

4 Q. What if I tell you that he lives approximately 30 kilometres  
5 from your house, in Kamrieng district?

6 A. We never -- we never contacted because I do not know whether  
7 he is alive. I'm not lying, I'm telling the truth. We never met  
8 again; we never saw each other even though we lived far away from  
9 each other; but we never meet each other.

10 Q. I have the impression that you're very reluctant to testify  
11 about Ta An. Can you explain why?

12 [14.23.27]

13 A. I am not afraid, but I just don't know where he is.

14 Previously, I never met him. So, if I talked about him when I do  
15 not know about that-- I cannot do that. Like I said, I never met  
16 him and I never knew whether he is alive. Since we separated, we  
17 never met again.

18 I am not afraid of telling the truth. If I know about it I will  
19 tell the truth. But the fact is that I do not know whether he is  
20 living at this particular place or not. I am not afraid to talk  
21 about him.

22 We were separated when the "Yuons" came, and since then we never  
23 met again. And at that time I was not known, so I would not be  
24 informed about anything.

25 I'm telling the truth now. This is the truth. You may be still

74

1 doubtful and you keep asking me why I am afraid to talk about Ta  
2 An; it's not what I am afraid to talk, but it's just that I don't  
3 know. And since then I never met him again. This is the truth.

4 And I observe that all questions concerns this issue, like Madame  
5 Lawyer asked me about the killings at Phnom Pros-Phnom Srei and  
6 why I did not know about that. How could I answer that question  
7 as I do not know? f I know, I will answer that. Otherwise, I will  
8 just talk about something that I do not know.

9 Q. Ms. Prak Yut, have you ever heard of Case Number 4 before this  
10 Court?

11 MR. PRESIDENT:

12 Witness is not required to answer this question.

13 [14.26.25]

14 The issue raised by counsel is not related to what we are  
15 discussing now. It is not concerned with Case 002/1.

16 Defence counsel may continue with a new question.

17 And you are reminded to stay within the limits of the segment.

18 You cannot expand at your will the scope of this trial.

19 MR. PESTMAN:

20 (Microphone not activated)

21 MR. PRESIDENT:

22 Please activate your mic when you speak.

23 BY MR. PESTMAN:

24 Q. My apologies. The woman in charge of women's affair in Sector  
25 13 was Im Chem; do you remember now?

75

1 [14.27.47]

2 MS. PRAK YUT:

3 A. We did not contact each other. Chem was in Sector 13, but we  
4 never contacted each other. And as before meetings at Sector 13,  
5 yes, we met there, during the meetings, but we never contacted  
6 regarding the jobs that we do - rather, that we did. We did a  
7 different work.

8 Q. What if I tell you that both Ta An and Im Chem are suspects in  
9 Case Number 4?

10 A. I do not know about that.

11 MR. PRESIDENT:

12 Counsel, you are just informed that Case 003 and 004 are separate  
13 cases from Case 002. Besides, for Case 002, the Chamber has set  
14 the scope for the first trial that we are having now. I think you  
15 are well aware of this.

16 And you are reminded to stay within the limit that concerns the  
17 facts of Case 002/1, according to the sequential segments.

18 MR. PESTMAN:

19 Excuse me -- excuse me, Mr. President, my microphone -- my  
20 headphones are not working. I didn't hear the second half.

21 [14.29.52]

22 JUDGE CARTWRIGHT:

23 I'll tell you in English, then, with the President's permission,  
24 while you're looking for new headphones.

25 The President has ruled twice now that you are to remain within

76

1 the confines of Trial 2, and the first trial in Trial 2.

2 Is that clear enough now, Counsel?

3 MR. PESTMAN:

4 My questions are within the scope of the first--

5 JUDGE CARTWRIGHT:

6 Please don't argue. You have been asked to move on to your next  
7 question. Thank you.

8 MR. PESTMAN:

9 I'd like to note to the record that I disagree with the decision.  
10 And I'm here to establish the Government interference in Case  
11 Number 2 and, for that purpose, I'm asking these questions, and I  
12 think they are well within the scope of this case, certainly,  
13 Case Number 2.

14 [14.30.51]

15 But I will continue with my questions.

16 JUDGE CARTWRIGHT:

17 I had understood that your role here was to represent and defend  
18 your client.

19 Please move on with your questions in relation to this trial.

20 Thank you.

21 BY MR. PESTMAN:

22 Q. Before testifying, Ms. Prak Yut, were you ever approached by  
23 somebody about your appearance here, in Court?

24 MR. PRESIDENT:

25 The witness does not have to answer this question; the question

1 is not in -- related to the facts before us.

2 BY MR. PESTMAN:

3 Q. Do you know that the Government strongly opposes further  
4 investigations in Case Number 4?

5 [14.32.19]

6 MR. PRESIDENT:

7 Witness, you do not need to respond to this question. I'd like  
8 now to hand over the floor to the Co-Prosecutor.

9 MR. LYSAK:

10 Thank you, Mr. President. I was simply going to state an  
11 objection to this question.

12 I don't see how this witness can be asked about who are Case 004  
13 suspects and about facts that are not within her knowledge.

14 There's only a few people in this room who are aware of the facts  
15 regarding this confidential investigation, and they are not on  
16 the witness stand right now. So I think these questions are  
17 entirely inappropriate.

18 [14.33.12]

19 MR. PESTMAN:

20 I'm afraid it's common knowledge, who the suspects are in Case  
21 Number 4. It's-- That information is freely available on the  
22 internet.

23 MR. PRESIDENT:

24 Defence Counsel, for today's questioning, you are not allowed to  
25 put questions except the questions related to the facts in the



1 first trial of Case 002.

2 MR. PESTMAN:

3 Mr. President, I believe that this witness is not free to testify  
4 and that this witness knows that the Government doesn't want Case  
5 004 to go forward, and for that reason, has refused to say  
6 anything about the suspects in Case Number 4. That is what I'm  
7 trying to establish today, and I think that it's relevant for  
8 Case 002, not only for Case 004.

9 So I would like to continue with my questions.

10 [14.34.40]

11 MR. PRESIDENT:

12 You may proceed with your questions, but only if they are related  
13 to this case, not to other cases. Restrict your questions to the  
14 first trial in Case 002, which you have been well aware of. And  
15 your questions should also be related to the facts to be known by  
16 this witness before us, and your questions shall be based on the  
17 facts in sequential order in the first trial of Case 002 -- that  
18 is, from the first fact in regards to the historical background  
19 of Democratic Kampuchea and then the structure of the government.  
20 So, in short, you should confine yourself to the facts in the  
21 first trial of Case 002. Otherwise, you can waste your time if  
22 you attempt to put questions not relevant to the facts determined  
23 by this very Chamber. And all parties are instructed to follow  
24 the same proceeding.

25 (Judges deliberate)

1 [14.37.40]

2 I'd like to give the floor, now, to Judge Cartwright. She may  
3 have some questions for this witness.

4 QUESTIONING BY JUDGE CARTWRIGHT:

5 Q. Thank you, President. Prak Yut, you have said often, in this  
6 Court, that you can't remember facts or events that happened more  
7 than 30 years ago.

8 I want to ask you one or two questions now, because the lawyer  
9 for Nuon Chea thinks that you are frightened of answering  
10 questions.

11 So I'm asking you this: Has anyone threatened you about giving  
12 evidence in Court today?

13 MS. PRAK YUT:

14 A. I come to this Court under no threat. I am here to tell the  
15 events that I can recall, and nobody has threatened me not to  
16 speak anything.

17 Q. Has anyone asked you to be careful about what you say in Court  
18 today?

19 A. No. I was summoned to appear before this Chamber to enlighten  
20 the Court with the facts and to only say of what I know.

21 [14.39.43]

22 I say only what I know; I cannot say anything that I do not know.  
23 I have been asked questions about Im Chem and others, and I don't  
24 know anything about her or them. So how can I say? That is my  
25 response.

80

1 And nobody coached me to come here to give evidence. I only speak  
2 of what I know, of my knowledge, and that is all, Your Honour.

3 [14.40.15]

4 Q. And you have said many times that you can't remember certain  
5 facts, but you have also told the Court that you told the truth  
6 when you were interviewed on four occasions by the Investigating  
7 Judges; is that correct, that you told the truth to the  
8 Investigating Judges?

9 A. Yes. I only speak the truth to the investigators.

10 MR. PRESIDENT:

11 The time is now appropriate for a break. The Chamber will take a  
12 20-minute break, and we shall resume at 3 p.m.

13 Court officer, please assist the witness during this break, and  
14 bring her back to the courtroom at 3.

15 And the security personnel, could you also assist the civil  
16 parties for the order in the courtroom and not to make any  
17 unnecessary noise during the proceeding.

18 (Court recesses from 1441H to 1506H)

19 MR. PRESIDENT:

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

21 Next, the Chamber hands over to defence counsel for Nuon Chea to  
22 continue questioning the witness if there are any other  
23 questions.

24 MR. PESTMAN:

25 Thank you, Mr. President. I would like to take this opportunity

81

1 just to briefly respond to what happened before the interval.

2 [15.07.24]

3 First of all, I would like to stress that we feel we have the  
4 right and the duty to challenge the credibility of a witness if  
5 we feel that witness is not telling the whole truth.

6 Second, it is up to defence lawyer -- me, in this case -- to  
7 cross-examine a witness, and not to the Judge to come to the  
8 rescue of a witness who is unable to answer my questions  
9 satisfactorily.

10 And it is, third, up to me, up to us, Nuon Chea's defence, to  
11 decide how we want to defend our client. And, as long as we stay  
12 within the limits of the law, we take the position that we are  
13 allowed to do whatever we think is necessary.

14 Remarks made by Judge Cartwright we consider highly  
15 inappropriate. A Judge should not interference with defence  
16 strategy. It's up to us to decide how we want to represent our  
17 client in or outside Court.

18 [15.08.52]

19 And, finally, we have raised the issue of political interference  
20 many times in the past, and I have to warn Your Honours that we  
21 will continue to do so in the future, also in Court.

22 Thank you very much. I have no further questions for this  
23 witness.

24 MR. PRESIDENT:

25 Yes, International Co-Prosecutor, you may proceed.

1 [15.09.25]

2 MR. LYSAK:

3 I don't want to use much time of the - of the Court, but I would  
4 just briefly respond to that.

5 I certainly disagree with the statements that have just been  
6 made. There was no attempt by the Chamber, here, to interfere.

7 Our objections were when counsel attempted to ask a witness who  
8 was not a part of the confidential investigation team of the  
9 Court, who were suspects in an investigation, and attempt to ask  
10 the witness whether the Government was interfering in cases.

11 The point seemed to be that Mr. Pestman was suggesting that the  
12 witness had been intimidated with. Yet, he wouldn't ask the  
13 questions directly.

14 And I think it's entirely - entirely appropriate, when counsel  
15 makes suggestions that a witness has been interfered with, for  
16 the Court to ask such questions, which they did.

17 And that is all that went on here, and I think it was entirely  
18 appropriate.

19 [15.10.34]

20 MR. PRESIDENT:

21 Yes, Judge Lavergne.

22 JUDGE LAVERGNE:

23 Thank you very much, Mr. President.

24 I wish to address some of the civil party's requests concerning  
25 their questions that they'd like to put to the witness and the

83

1 documents that they would like to reference in order to establish  
2 the background of their questions.

3 The Chamber wishes to know if, indeed, those specific documents  
4 are available in the three official languages of the ECCC and, if  
5 this is not the case, if any translation requests have been made  
6 so that such documents be translated. That's our first question  
7 to you.

8 [15.11.31]

9 Our second question to civil party counsel concerns the reason  
10 why civil parties deem such documents necessary. What is the  
11 objective of citing those documents in posing your questions? Do  
12 they hold very significant relevance to today's hearings?

13 MS. SUTZ:

14 Thank you very much, Judge. I will answer your two questions.  
15 Some of these documents are indeed available in three languages.  
16 Others are available only in English and Khmer. These are not  
17 civil parties who are represented by myself. I'm not aware as to  
18 whether or not translation requests have been made. I'll have to  
19 forward that question to the appropriate counsel.

20 [15.12.40]

21 Obviously, these documents have been filed, and I believe that  
22 these requests were made -- I believe that there was one  
23 application made in the month of April, which is E9/32, as well  
24 as a second application that was made in July, numbered E109/2.  
25 With respect to your second question, the goal of our submission

84

1 of these documents is to ascertain the truth with respect to the  
2 chain of commands that was in application in the zone and if,  
3 indeed, there were people who were executed, who gave those  
4 orders for execution.

5 JUDGE LAVERGNE:

6 With respect to the civil party's statements, are they signed by  
7 the victims and applicants?

8 MS. SUTZ:

9 Yes, indeed. They are statements that were made during the filing  
10 of the civil party application. There's an application in Khmer  
11 as well as a summary that is -- or was produced in English and  
12 filed, put in the case file. Some of these summaries were  
13 translated in French, and others were not translated in French.

14 (Judges deliberate)

15 [15.14.46]

16 JUDGE LAVERGNE:

17 The Chamber will take some time to contemplate this issue and we  
18 will be rendering a decision at a later stage.

19 MS. SUTZ:

20 Thank you very much, Judge.

21 MR. PRESIDENT:

22 I now hand over to Judge Cartwright.

23 [15.15.12]

24 JUDGE CARTWRIGHT:

25 Yes. Thank you, President. I just want to take the opportunity of

85

1 ensuring that the statements made by Prak Yut to the  
2 Investigating Judges have all been placed before the Chamber,  
3 because I'm personally not clear about their current status. And  
4 so I'm now formally placing before the Chamber these four  
5 statements: D234/4 with corrigendum; D234/4 -- corrigendum number  
6 2; D234/8, already referred to -- oh, he's not here -- by counsel  
7 for Nuon Chea; D234/15; and D234/16.

8 And I just want to ask Prak Yut a couple of questions about  
9 these.

10 BY JUDGE CARTWRIGHT:

11 Q. In your evidence, earlier, you have said repeatedly that you  
12 could not remember a lot of information because it was so many  
13 years ago; is that correct?

14 MS. PRAK YUT:

15 A. Yes, it is.

16 Q. And is it also correct that-- You have told us that the  
17 statements made in your four statements to the Co-Investigating  
18 Judges were truthful; is that correct?

19 A. Yes, it is.

20 Q. In D234/16, you were asked this question:

21 "You told us yesterday that you were confident in the revolution  
22 and a loyalist to the revolution. Did the arrest of your husband  
23 make you change your mind about the revolution?"

24 And you answered:

25 "Since the arrest of my husband, I lost confidence in the



1 revolution because I loved my husband. I could not speak out  
2 then, but inside myself, I felt hopeless."

3 Was that a correct statement then?

4 [15.18.40]

5 A. Allow me to answer the question concerning the arrest of my  
6 husband.

7 In the first place, I was hopeless after the arrest of my  
8 husband. I loved my husband, but he was arrested. However, I  
9 dared not to say anything before Angkar. But normally, as  
10 everyone knows, there must be love between husband and wife. But  
11 I had to give it away because my husband was arrested. This is  
12 what I thought to myself. It would be incorrect if I was  
13 protesting, but it is true that husbands and wives love each  
14 other. This is what I said. But I had to sacrifice. I did not  
15 even cry when he was arrested. This is my true statement.

16 [15.20.17]

17 Q. You were also asked other questions about your faith in the  
18 revolution, and you were asked, for example: "Was it wrong or  
19 right that people were forced to work?"

20 Do you remember what you replied to the Investigating Judges in  
21 answer to that question?

22 A. Allow me to answer this question. I am of the view that it is  
23 wrong when people are forced to work. It is wrong because people  
24 were forced to work very hard during that time. People were  
25 forced. However, I believed that we had to follow the plan put in

1 place by the upper echelon.

2 [15.21.37]

3 Q. You were also asked what happened to people who could not be  
4 re-educated. You were asked: "Were they arrested, killed or  
5 died?"

6 Do you remember what you answered to that question?

7 A. I was asked at that time about that, and I said there were no  
8 arrests or killings, but there was re-education. And there was no  
9 arrest by the upper level and there were no killings of people  
10 because they only conducted minor mistakes.

11 Q. So you are telling the Court, today, that, at your level,  
12 there was no arrests or killings. Were there arrests or killings  
13 at any other level above you?

14 [15.23.10]

15 A. It is true. This is true.

16 Q. You were asked: "Did it mean that the killing was the final  
17 stage in the process?" And you answered:

18 "I was not responsible for the killing of the wrongdoer. The  
19 killing was the decision of the upper echelon. When there were  
20 people making mistakes, the lower rank prepared [the case] and  
21 sent it to the upper echelon who was the educator and manager."

22 Is that correct -- that answer correct?

23 [15.23.58]

24 A. Yes, it is.

25 Q. So you are confirming that the information that you gave about

88

1 two years ago to the Investigating Judges is true and correct,  
2 even if you can't -- couldn't remember all of those details in  
3 Court; is that what you're telling us today?

4 A. Yes.

5 [15.24.28]

6 JUDGE CARTWRIGHT:

7 Thank you, President.

8 MR. PRESIDENT:

9 Thank you, Judge Cartwright.

10 Next, the Chamber hands over to defence counsel for Ieng Sary for  
11 them to put questions to this witness if they wish to do so.

12 MR. ANG UDOM:

13 My respects to Mr. President, and my respects to Your Honours.

14 And good afternoon, everyone in and outside the courtroom.

15 The defence counsel for Mr. Ieng Sary stand by the position that  
16 they will not ask questions to this witness. Thank you.

17 [15.25.29]

18 MR. PRESIDENT:

19 Thank you.

20 And now the Chamber hands over to defence counsel for Mr. Khieu  
21 Samphan to put questions to this witness if they wish to do so.

22 MR. KONG SAM ONN:

23 Thank you, Mr. President. And my respects to the Chamber.

24 At this moment, counsel for Mr. Khieu Samphan do not have any

25 questions to put to this witness. However, if the Chamber allows

1 counsel for civil parties to put more questions to this witness  
2 at a later stage, we would like to reserve our rights to put any  
3 questions.

4 [15.26.31]

5 MR. PRESIDENT:

6 Thank you.

7 Now the proceedings to hear testimony of Mrs. Prak Yut has come  
8 to an end, and it is appropriate for us to--

9 (Judges deliberate)

10 [15.29.18]

11 The Court will continue its proceedings as there are some  
12 remaining issues to be dealt with concerning the questionings to  
13 this witness by civil parties' counsel.

14 In order to be clear, I would like to hand over to Judge Lavergne  
15 to clarify this point.

16 JUDGE LAVERGNE:

17 Thank you, Mr. President. Just to be certain about what you said  
18 just now, the Chamber wants to be certain that the documents you  
19 have referred to are available in Khmer plus one of the other  
20 official languages.

21 You said just now that they weren't all available in three  
22 languages; but can I be clear that they are available all in  
23 Khmer plus one of the other two languages?

24 MR. VERCKEN:

25 Yes. In that case, I would be most grateful, Mr. President, if we

1 could withhold the references for this. The civil parties only  
2 referred to the summaries rather than the actual documents that  
3 they were putting to the witness.

4 [15.30.48]

5 MR. SUTZ:

6 We intend to present these summaries. There are some civil party  
7 findings that are only in Khmer, which go along with summaries  
8 done in English by the Victims Unit, and some of those summaries  
9 have been translated into French, others not.

10 The two civil party applications that I wanted to refer to have  
11 not been translated into French at this stage. Thank you.

12 JUDGE LAVERGNE:

13 Let's be certain about this. The ones you are going to use are  
14 not the statements actually made by the civil parties, but the  
15 summaries made by -- who, exactly?

16 MR. SUTZ:

17 We can refer to both. We don't work in Khmer. I personally was  
18 going to refer to the summaries that have been made in English,  
19 but my Cambodian colleagues can refer directly to the long  
20 non-summarized version in Khmer.

21 JUDGE LAVERGNE:

22 But the Khmer version is only available in Khmer, or in Khmer  
23 plus one language?

24 MR. SUTZ:

25 No, the full Khmer version is available only in the Khmer

1 language.

2 (Judges deliberate)

3 [15.33.07]

4 MS. SIMMONEAU-FORT:

5 Just, Mr. President, to add a couple of points.

6 We're talking about all the civil party filings that were  
7 applications that were filed initially by the civil parties.

8 These were not translated because -- and this is a somewhat  
9 impromptu remark -- because the translations didn't get their  
10 authorization. It wasn't possible to have all document  
11 translated, but between the civil party statements and the  
12 filings by complainants who were not civil parties, there were  
13 about 8,000 documents, and there are, of course, 3,900 civil  
14 parties.

15 But let me just say that, for the reliability and authenticity of  
16 these documents, they are documents that were used by the  
17 Investigating Judges and Pre-Trial Chamber to declare 3,900 civil  
18 parties admissible, so they have a genuine reliability and were  
19 used as a basis for that decision I mentioned.

20 [15.34.18]

21 I would also add that your decision about the use of these  
22 documents is vitally important because we have filed these  
23 documents, they have their references and codes so forth, which  
24 we will of course give you in due course. If, under rule 87, we  
25 wish to use these documents, we do need to make sure that they

92

1 are officially placed before the Chamber. The question will  
2 arise, now and at other times, because these are documents that  
3 may be used in the file. Thank you.

4 (Judges deliberate)

5 [15.36.14]

6 MR. PRESIDENT:

7 After having verified the two documents that the civil party  
8 counsel intended to use in questioning the witness, as the  
9 document exists only in one language, the Trial Chamber will not  
10 allow it for questionings to be put to this witness based on  
11 those documents.

12 The hearing of the testimony of witness Prak Yut has come to an  
13 end, and it is now appropriate for the adjournment as well.

14 The Trial Chamber would like to thank Ms. Prak Yut for providing  
15 your testimony as summoned by the Chamber. And the hearing of  
16 your testimony has come to an end. You can therefore -- you are  
17 now, therefore, relieved of your duty to provide testimony before  
18 this Chamber.

19 [15.37.49]

20 Court officer, please assist the witness with the Victim Support  
21 section -- with officials, rather, to facilitate the witness to  
22 return to her residence.

23 The Chamber is now adjourned, and we shall resume tomorrow  
24 morning, starting from 9 a.m.

25 Security guards, you're instructed to take the three Accused back

1 to the detention facility and bring them back to this courtroom

2 tomorrow morning, before 9 a.m.

3 (Court adjourns at 1538H)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25