



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC
Case File N° 002/19-09-2007-ECCC/TC

11 January 2012
Trial Day 13

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KARNAVAS	English
MR. KLAN FIT (TCP-185)	Khmer
MR. KONG SAM ONN	Khmer
MR. LYSAK	English
MR. NEKUIE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MR. SON ARUN	Khmer

1

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

2 (Court opens at 0908H)

3 MR. PRESIDENT:

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

5 [09.09.45]

6 During this morning's session, the hearing is going to be --
7 continue when questions will be put by the prosecutor to Mr. Nuon
8 Chea.

9 But before we commence this morning's session and before handing
10 over to the prosecutor, the Chamber wishes to inform the Accused
11 and their counsels that, if any accused person would like to be
12 excused from the courtroom, the defence counsels shall not
13 interrupt the Court proceedings to make such request, they shall
14 wait until the appropriate moment to make such a request, and
15 that accused persons shall remain in the courtroom, and that such
16 a requests shall not be made amid of the questions being put to
17 the accused person, and except in the very necessary
18 circumstance.

19 The Chamber has already communicated this message to the parties,
20 but we would wish to just reiterate our position. The message has
21 been communicated and was delivered to the parties in the
22 memorandum dated 28th of October, already. However, if the
23 Chamber still finds that counsels interrupt the proceeding to
24 request that their client be excused from the courtroom, the
25 Chamber will not entertain such a request.

2

1 [09.12.14]

2 We would like now to proceed to the Co-Prosecutor to put
3 questions to the accused person, Nuon Chea.

4 MR. LYSAK:

5 Thank you, Mr. President. When we stopped yesterday at lunchtime
6 with Nuon Chea, we were making comments regarding the
7 authenticity of the September 1977 "Revolutionary Flag". Before I
8 resume my questioning, I had one other piece of information I
9 wanted to put to the attention of Mr. President and the Chamber.

10 [09.13.02]

11 The reason I had selected this particular "Revolutionary Flag" to
12 ask a lot of questions of is that it was not just a normal issue,
13 it was a publication of the most well-known and important speech
14 given by Pol Pot during the Democratic Kampuchea regime. And
15 indeed, as I mentioned before we broke in December, this speech
16 was broadcast by the government radio, and picked up, and
17 reported, and transcribed. And indeed, in contrast to other
18 speeches that were given during the period, which often tended --
19 when they were broadcast, would be edited and all the excerpts,
20 this speech was broadcast in its entirety, the entire five-hour
21 speech by Pol Pot, and there are documents in the case file that
22 reflect that broadcast which are very significant in confirming
23 the authenticity of this speech. So I just wanted to put -- bring
24 to the attention of the Court those documents.

25 [09.14.13]

3

1 The immediate broadcast was picked up by FBIS and reported in
2 document D262.34, which is the collection of September 1977 FBIS
3 reports, at pages 00168771 to 76, and it's a -- If I may just
4 read the first part introducing the Pol Pot speech, it is very,
5 very significant to the issue that we were debating yesterday.

6 MR. KARNAVAS:

7 Mr. President, with all due respect, if I may lodge an objection,
8 at this point, counsel is testifying. He's testified before as to
9 what he thinks was significant and what have you. I think it's
10 objectionable. He needs to bring in a witness to establish these
11 facts. There's no need for the gentleman to be testifying at this
12 point; he can simply ask his questions. And whether you admit the
13 document or not, that's to be decided next week, as I understand
14 it. But there are -- there's no need for the gentleman to be
15 giving his closing argument at this point in time.

16 MR. LYSAK:

17 Mr. President, this is not a closing argument, this is just--
18 (Judges deliberate)

19 [09.16.01]

20 MR. PRESIDENT:

21 International Co-Prosecutor, you may continue.

22 The Chamber would like to remind counsel for the Accused that
23 they should not exercise their right to make such objection amid
24 of the opportunity when the Co-Prosecutor is putting questions to
25 the Accused. Counsel is advised to wait until such statement

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1 being made, and then seek permission from the Chamber to make
2 such observation.

3 MR. LYSAK:

4 Thank you, Mr. President. So, as I was saying, the start of the
5 FBIS report of the Pol Pot speech states as follows - quote:
6 "Phnom Penh domestic service in Cambodia during the period 2327
7 GMT -- Greenwich Mean Time -- on 28th September through 'til 0450
8 GMT 29 September carried recorded reportage on a 27th September
9 mass meeting in Phnom Penh commemorating the 17th anniversary of
10 the Cambodian Communist Party, referred to here as the KCP."
11 Present, according to the announcer, were - quote -- "all members
12 of the KCP Central Committee and cadres from all departments as
13 well as more than 10,000 representatives of workers, cooperative
14 peasants, the Cambodian army, and various departments and cabinet
15 ministries in Phnom Penh."

16 And carrying on: "Central Committee secretary, Pol Pot, then
17 delivered a five-hour speech reported below. Following Pol Pot's
18 speech, the announcer noted that the mass meeting ended at 1700,
19 Cambodian time, in a happy atmosphere, with participants
20 expressing their joy over the great successes achieved by the
21 people under the CPK leadership. The recorded reportage concluded
22 at 0450 GMT.

23 [09.18.46]

24 "Following are highlights from the speech Pol Pot delivered at
25 the meeting. The full text of the recorded speech, not yet

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1 available in translation, will be published in a subsequent daily
2 report."

3 And, indeed, Mr. President, there are numerous copies of the
4 speech in this case file, including a copy that was published in
5 the United States, that was based on the broadcast, which is
6 document IS 4.40. And in addition, another copy of the same
7 speech which was published by the Party is in the case file,
8 which is D366 -- pardon me, D366/7.1.459.

9 So I put these documents on the record because they're very
10 important in authenticating this speech and the significance of
11 why we have chosen this particular document.

12 MR. KARNAVAS:

13 At this time, I would like to be heard, Mr. President. As I
14 understand, the gentleman has finished making his introductory
15 remarks. May I be heard?

16 MR. PRESIDENT:

17 You may proceed.

18 MR. KARNAVAS:

19 Yesterday, as I understand it, the Trial Chamber decided that the
20 gentleman, the prosecution, could go ahead and use these
21 documents in posing questions to the witness. That was the
22 decision that was made. And as I understand it, next week we are
23 to have some sort of a hearing dealing with global issues on
24 authenticity of documents.

25 Having made that decision, the Trial Chamber has given the

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1 prosecution the green light to go ahead and pose questions.

2 Today, the prosecution uses the stage in order to somehow bolster

3 the authenticity by claiming that, because it was reported

4 somehow, somewhere, someplace, that this document is authentic.

5 That is an argument that they can make next week; it has nothing

6 to do for today's questioning of this particular witness.

7 [09.21.11]

8 If -- if the procedure here -- because I'm trying to figure out

9 what procedure we are using, but if the procedure here is for

10 counsel and either side can stand up and testify, then that's

11 fine. I just want to know what the rules are.

12 Because that was pure testimony. The prosecution began his

13 comments by talking about what was significant, why was this

14 important, and so on and so forth, as if these are facts that are

15 already in evidence. We have yet to hear a single witness laying

16 a foundation that would justify that speech that was made by the

17 prosecution.

18 And so I would respectfully request that we have some clear

19 guidance. Are we to be testifying and giving our thoughts as to

20 why something is authentic and important before putting it before

21 the witness or are we going to have a procedure where the Trial

22 Chamber will decide if documents are authentic and reliable

23 enough to pose the questions, with reliability and weight to be

24 determined thereafter.

25 So I object to this sort of speech making, particularly after the

7

1 Trial Chamber has already ruled and has made a decision that he
2 can go ahead and pose his questions. This is improper and
3 gratuitous.

4 (Judges deliberate)

5 [09.23.32]

6 MR. PRESIDENT:

7 The Chamber notes that the statement by Co-Prosecutor and that
8 the observation made by the counsel are just observations and
9 that the parties can use their tactics in submitting their
10 arguments before the Chamber. And the Chamber notes that the
11 prosecutor has not really raised any authenticity of the
12 documents yet and that the authenticity of the document will only
13 be addressed when the matter has been discussed at a later date.

14 MR. SON ARUN:

15 Good morning, Mr. President, Your Honours.

16 [09.25.30]

17 I have noted that during the last day or so the "Revolutionary
18 Flags" have been referred to and that my client keeps insisting
19 that he would like to obtain the original documents of the
20 "Flags". Still, the same issue is now floating in this courtroom.
21 If Your Honours allow me, I would like to put some questions to
22 the prosecutor.

23 MR. PRESIDENT:

24 The Chamber wishes not to entertain your questions to the
25 prosecutors.

8

1 The Chamber already made the decision, and the ruling is still
2 effective. We have not changed anything with regard to the ruling
3 that we already rendered. Unless there is any further change to
4 that, the current decision stands.

5 MR. SON ARUN:

6 The Co-Prosecutor keeps bringing up the same issues that have
7 been impugned time and again. I agree that the Court shall
8 continue with the matters -- the matters that have not been
9 challenged.

10 MR. PRESIDENT:

11 Can counsel Son Arun be reminded that you are now trying to
12 misinterpret the -- or misquote the decision by the Chamber?
13 Documents put before the Chamber are subject for debate, and
14 whether the evidence has evidentiary value or not will be
15 determined by the Chamber at the end.

16 [09.28.07]

17 Please, may I ask that you refer to the decision of the Chamber
18 and that the Chamber would not wish to discuss this again? You
19 indicated that we are bringing up the same issues, but indeed you
20 should really read the decision and you should not really
21 misinterpret it.

22 [09.28.37]

23 We would like now to proceed to the Co-Prosecutor to put
24 questions with regard to the historical background of the
25 Communist Party of Kampuchea, which is forming the part of the

1 issue to be debated now.

2 QUESTIONING BY MR. LYSAK RESUMES:

3 Thank you, Mr. President.

4 When we left off, we were discussing the 1960 Party Congress
5 including the persons who were present and appointed to the
6 Central and Standing Committee as well as the strategic lines
7 that were approved by the Party representatives.

8 [09.29.18]

9 Before I go back to the Party lines, I just wanted to clarify and
10 follow up on a matter relating to the Party representatives who
11 were present, Mr. Nuon Chea.

12 Q. You indicated that the people who were present included
13 leaders from each of the zones, so I wanted to ask you -- There
14 were a couple of zones that we didn't cover.

15 From the Northwest Zone, was -- Were there any representatives
16 from the Northwest Zone who were present at the congress,
17 particularly either Ros Nhim or Kong Sophal?

18 MR. NUON CHEA:

19 A. Mr. President, based on the question, I would like to indicate
20 that during that time there was a representative from the
21 Northeast; it was Comrade Lan (phonetic).

22 Q. I'm sorry, I misspoke. I wanted to ask you about both the
23 Northeast and Northwest Zone. So you've indicated that Comrade
24 Lan (phonetic) was present on behalf of the Northeast Zone; is
25 that correct?

10

1 A. Mr. President, as for the Northwest, there was a
2 representative whose name is Ros Nhim.

3 Q. Thank you. Thank you, Mr. Nuon Chea.

4 [09.31.39]

5 At what time -- When was it that zone secretaries were first
6 appointed by the Party?

7 A. Mr. President, I do not recall that.

8 Q. Had people been appointed secretaries of zones as of the 1960
9 Congress?

10 [09.32.30]

11 A. Mr. President, I would like to be a bit long for this issue.

12 The congress to appoint the Party members, in 1960, was where the
13 representatives of the zones were recruited, and those who was
14 the members of this movement since the movement against the
15 French. And those people were Khmer who were the chiefs of the
16 zones. So these senior members were recruited to join the
17 congress.

18 Q. Do you recall when it was that the Party first divided the
19 country into different zones?

20 A. Your Honour, I do not remember that.

21 Q. And last month, during questioning by the Judges, you made a
22 statement that there were some zone leaders who were not members
23 of the Party.

24 Can you identify for the Chamber which zone leaders were not
25 Party members?

11

1 A. Mr. President, they were all members of the Party -- of the
2 Communist Party of Kampuchea. They were not ordinary people.
3 Ordinary people were not able to attend that. This can be
4 mistaken with the Mouta Keaha Committee -- National Committee.
5 For one thing, there was the Party, and for another thing, there
6 was the Front.

7 [09.35.55]

8 Q. Yes. Could you explain a little more to the Court what you
9 mean by the National Committee of the Front? Are you referring to
10 the Front that was established following -- in 1970, following
11 the coup against the King Father, or was this a committee that
12 existed prior to that time?

13 A. Mr. President, as I remember, the Front was called the Mouta
14 Keaha National Committee, which existed a long time ago. If you
15 permit, I may describe the names, but if you don't, I will end my
16 answer here.

17 MR. PRESIDENT:

18 You are permitted to provide the names, Mr. Nuon Chea.

19 [09.37.14]

20 MR. NUON CHEA:

21 1) Achar Mean, who changed his name to Son Ngoc Minh -- he used
22 to be a monk in Phnom Penh;
23 2) Sieu Heng;
24 3) Ta Tou Samouth;
25 4) Ta Chan Samay, alias Lam Phai.

12

1 These four people were all Khmer Kampuchea Krom and who were
2 appointed by the "Yuon", and these four people formed the Mouta
3 Keaha National Committee. And not everyone understands what it
4 is. To put it another way, it is the National Liberation Front,
5 but it was under the supervision of the "Yuon".

6 MR. LYSAK:

7 Thank you, Mr. Nuon Chea. One last person I wanted to ask whether
8 they were present at the 1960 Congress was the person that you
9 identified as the one who had introduced you to Pol Pot, whose
10 name was Chan Samorn, alias Khmao. Was he present at the 1960
11 Congress?

12 A. Mr. President, Chan Samorn was not present in the 1960
13 Congress.

14 Q. Mr. Nuon Chea, I would like now to read to you another excerpt
15 from Pol Pot's September 1977 speech, which is at D243/2.1.12 at
16 Khmer ERN 63135, English ERN 486226 and French ERN 492811. And,
17 Mr. President, we can put this on the screen if that is okay with
18 the Court.

19 MR. PRESIDENT:

20 Yes, may the document be displayed on the screen.

21 (Short Pause)

22 [09.41.12]

23 BY MR. LYSAK:

24 Q. Mr. Nuon Chea, let me read to you the quote that I wanted to
25 ask you about from the September '77 speech -- quote:

1 "The First Party Congress was convened in Phnom Penh on September
2 30, 1960, in a tense situation of intense enemy suppression.

3 "Let me give you an example. Comrades who were major
4 intellectuals, for instance the current comrade chairman of the
5 State Presidium, were under enemy suppression and were arrested
6 and imprisoned in chains."

7 My first question: Is it correct that, as of September 1977, the
8 Chairman of the State Presidium was Khieu Samphan? Is that
9 correct?

10 MR. NUON CHEA:

11 A. Mr. President, I was not related to the administrative
12 affairs; I was concerned with the education.

13 Q. Did you not know that Khieu Samphan was the Chairman of the
14 State Presidium during the Democratic Kampuchea period?

15 A. Mr. President, I only heard of that.

16 Q. What was Khieu Samphan's involvement in the Party as of
17 September 1960?

18 [09.43.10]

19 A. Mr. President, he is not related at all, because he was
20 dealing with the intellectuals, which was the different section.

21 Let me clarify this point. Pol Pot called upon me and told me
22 that -- and I think I said once already about this, but you may
23 forget it -- he told me that I should not care about the
24 intellectuals because that part was already in charge, and I was
25 to pay attention to the education; that's what he told me. So I

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1 did not know what was going on in that part.

2 Q. Mr. Nuon Chea, contrary to what you told Judge Lavergne last
3 month, which is that you did not know when Khieu Samphan joined
4 the Party, in your 1998 discussion with Khem Ngun that we've
5 talked about before, you told him that, as of 1963 Khieu Samphan
6 - quote -- "had not yet joined the Centre, but he had joined the
7 Party". I'm quoting here from document IS 20.28, at Khmer ERN
8 78196, English ERN 184667, and French ERN 596190. Is it correct?
9 [09.45.09]

10 MR. PRESIDENT:

11 Mr. Co-Prosecutor, could you repeat the ERN number again? And I
12 want you to be slow so that the number can be interpreted
13 correctly.

14 Secondly, from now on, when you refer to the document and when
15 you read the number of the document, I would like you to read it
16 slowly so that the number can be recorded and translated
17 properly.

18 MR. LYSAK:

19 My apologies, Mr. President. I will read it again more slowly.
20 The document is case file number IS 20.28, at Khmer ERN 00078196,
21 English ERN 00184667, and French ERN 00596190.

22 BY MR. LYSAK:

23 Q. The question, Mr. Nuon Chea, is whether it is correct that, as
24 of 1963, Khieu Samphan had not yet joined the Centre but had
25 joined the Party?

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1 [09.46.58]

2 MR. PESTMAN:

3 Your Honours, I would like to object again. We have discussed
4 this document before, and I object to the way the question has
5 been phrased, as the prosecutor, again, assumes that this
6 document is a correct transcription of the interview that took
7 place. And I would like to object to that.

8 My client had a chit-chat with this person, if I've understood
9 correctly, and my client is not familiar with that particular
10 document. He doesn't know the document, what information the
11 document contains, and he cannot confirm the authenticity of the
12 document.

13 MR. LYSAK:

14 Mr. President, I'm simply asking him to confirm whether or not
15 that statement is correct. It's for the - for the Accused to tell
16 us whether or not that information is correct information.

17 MR. PRESIDENT:

18 The objection is not entertained. The Accused is instructed to
19 answer the question.

20 May the Co-Prosecutor ask the question again.

21 BY MR. LYSAK:

22 Q. The question, Mr. Nuon Chea, is whether it is correct that, as
23 of 1963, Khieu Samphan had not yet joined the Centre but had
24 joined the Party.

25 MR. NUON CHEA:

16

1 A. Mr. President, as to when he joined the Party, I do not know
2 because I did -- I was not in frequent contact with Mr. Khieu
3 Samphan.

4 Q. Thank you, Mr. Nuon Chea.

5 [09.49.10]

6 Getting back now to some questions regarding the Party lines
7 approved at the 1960 Congress, in your opening statement you
8 indicated that one of the political lines that was discussed and
9 determined at the First Party Congress was to identify the
10 enemies of the revolution, which you said were - quote - "the
11 foreign invaders who interfered in the internal affairs of
12 Kampuchea and their clique".

13 My first question is: Who were you referring to by "their
14 clique"? Which groups or persons were part of that clique that
15 you determined to be enemies of the revolution?

16 A. Mr. President, to be clear, I demand the document whether I
17 said so, whether I said so in that document. The point here
18 concerns the political lines, so I demand the document.

19 Q. Mr. Nuon Chea, I was quoting from the opening statement that
20 you made on the 22nd of November, last year, which is case file
21 number E1/14.1 at page 83. This was a direct quote, part of your
22 statement that you made.

23 Can you answer the question as to who you were referring to when
24 you indicated that the Party had identified the enemies of the
25 revolution as "foreign invaders and their clique"? Can you

17

1 identify who you were referring to by that statement?

2 A. Let me clarify this again. Can you bring the document to me?

3 Because you quoted the speech which is not clear to me.

4 Q. Mr. Nuon Chea, if you do not recall making that statement

5 during your opening statement, you can simply tell me that you

6 don't recall and can't give an answer as to - as to what was

7 meant by the "clique".

8 [09.52.20]

9 A. I would like to indicate that I do not remember that. And I

10 rarely use the word "clique".

11 Q. In regard to the issue of who were determined to be enemies of

12 the revolution at the 1960 Congress, let me now read to you

13 another statement from Pol Pot's September 1977 speech.

14 And let me give the case sites at the outset. It is D243/2.1.12,

15 at Khmer ERN 00063145, English ERN 00486233, and French ERN

16 00492820. And we also have this ready to show on the screen, Mr.

17 President, if we can.

18 [09.53.44]

19 MR. NUON CHEA:

20 Mr. President, I demand the document so that I can read clearly.

21 MR. PRESIDENT:

22 Mr. Co-Prosecutor, besides putting the document onto the screen,

23 can you make a copy of the part of the document which you would

24 like to refer to, and provide the Accused that copy, and make

25 sure that the letters are large enough for the Accused to read?

18

1 This will allow him to examine the document, because this is not
2 easy for him to read the document from the screen.

3 MR. LYSAK:

4 Yes, Mr. President, I have a copy of the -- The print is as large
5 as it can be. If the Accused cannot read from the screen or that,
6 we could also have the greffier read the Khmer original so that
7 it is directly read into the record rather than me reading the
8 English translation.

9 (Judges deliberate)

10 [09.55.58]

11 MR. PRESIDENT:

12 I now instruct the Greffier to read the portion that the
13 Co-Prosecutor is referring to. And make sure that he reads
14 clearly for the Accused to understand. Mr. Phary.

15 [09.56.37]

16 THE GREFFIER:

17 "As for the political lines as we raised concerns the national
18 conflicts, that is how to determine the enemy and how to
19 determine the force of the enemy.

20 There are two kinds of enemy which we had to attack. The first
21 kind of enemy is the feudalist - rather, the imperialist,
22 especially the American imperialist. The second enemy is the
23 feudalist, and the landowners, and the reactionaries. The forces
24 include peasants, workers, the petty bourgeoisie and the
25 nationalists."

1 MR. PRESIDENT:

2 Can you read the portion within the red line?

3 You may be seated, Mr. Phary.

4 Mr. Co-Prosecutor, do you have questions?

5 MR. LYSAK:

6 I'm sorry, I thought he was going to repeat that.

7 [09.58.58]

8 Yes, Mr. President.

9 BY MR. LYSAK:

10 Q. I have two questions for you, Mr. Nuon Chea, about the

11 statement that has just been read.

12 The first question is: As indicated in this Party document, did

13 the persons who were determined to be enemies of the revolution

14 at the First Party Congress include both the imperialists and the

15 feudal class -- the feudal class?

16 MR. NUON CHEA:

17 A. Mr. President, it is wrong, it is not correct.

18 Q. In what respect is it not correct, Mr. Nuon Chea?

19 [10.00.01]

20 A. The term "feudalism" is the feudal regime, not the

21 feudalists, those reactionary and those imperialists - rather,

22 henchmen. And you have not really quoted the right term, because

23 feudal class, here referring to the term that I refer to, not --

24 it's about the regime itself, not just the people. And I would

25 like to really state clearly on this because I am afraid that

1 this document does not belong to me or has not quoted what I
2 said.

3 There were two enemies. The first category was the imperialists,
4 the expandists, and the aggressor, and the other kind of enemy
5 was their henchmen.

6 When it comes to the feudalism or the feudal regime, we are
7 referring to the regime, not the people. We already discussed
8 this, what happened during the period when we refer to the feudal
9 regime, those people who ripped the poor peasants off, and I
10 think I do not really need to repeat myself on this. It has
11 already been made clear to the Court.

12 Q. I will not ask you to repeat yourself. I would like to ask you
13 to explain: Who were you referring to by "the imperialists'
14 henchmen"?

15 A. These people refer to the servants of the imperialist, those
16 who betray their own nation by being sided with the imperialists.
17 They were sold to the imperialists.

18 Q. There's a reference in this document and many others to the
19 term "reactionaries".

20 Can you explain to the Chamber what is meant by the term
21 "reactionaries"?

22 A. The term "reactionary" refers to people who protest, who
23 oppose.

24 But there are different kind of people in the reactionary type,
25 because there were people who are reactionary but they -- some

21

1 people did on their own initiatives, some people started the
2 protest because they were under duress, so on and so forth. So I
3 perhaps cannot really elaborate in details with regard to that
4 particular term, because we cannot really implicate or say that
5 everyone is considered as the reactionary.

6 [10.04.16]

7 Q. And is it correct, Mr. Nuon Chea, that in the pre-1975 period,
8 that the Party had concluded or considered officials of the
9 ruling government as part of the feudalist regime that you just
10 referred to?

11 A. It is not correct at all. And those people had never been
12 regarded as enemies.

13 Q. Is it not correct, Mr. Nuon Chea, that feudalists -- the
14 feudalists, as defined by the Party, included two different
15 types: one, landowners; and, two, aristocrats? Is that correct?

16 A. Good people can constitute the aristocrat class.

17 [10.05.48]

18 Some aristocrats were also traitors, so there were good and bad
19 people in the category number 2 as you indicated. Even the
20 feudalist themselves, there are -- there were bad feudalist and
21 there are -- there were nationalists among the feudalist groups.
22 And it is also not different in aristocrat class because some of
23 them were also nationalists, good people.
24 When you put questions and -- by referring only to one particular
25 term and without allowing me to elaborate in details, I'm afraid

1 I cannot tell you all about this and as I indicated not everyone
2 was considered as enemy, otherwise our nation could have been
3 severely divided, because you could not treat everyone as enemy.
4 Even in the Royal Family, in the Monarch, in particular, there
5 were people who were nationalists. There were people who loved
6 our own nation who really fought against the foreign enemies, so
7 we could not really consider them as enemies because our front --
8 the lines of our Party, did not really say that we have to
9 consider them all as enemies.

10 So may I suggest that the Prosecutor try to be -- try to put
11 questions that are not that -- To me it's not really very
12 complete when it comes to only just explanation of a few terms.
13 Because you refer to the political lines or the lines of the
14 Party; you would find very detailed information with regard to
15 this.

16 [10.08.19]

17 Q. Thank you for that explanation. I wanted to ask you how it was
18 that the Party defined who were bad feudalists or bad
19 aristocrats. You've indicated that people who were nationalists
20 were considered to be good.

21 What other feudalists, aristocrats or landowners were considered
22 to be good people, and not enemies?

23 A. The imperialists were those who invaded our country, were
24 those who were the aggressors who would like to consider our
25 country as their satellite state, like the French colony, for

1 example.

2 And as I indicated earlier on, we cannot say that everyone is an
3 enemy. There were people who were nationalists or who were
4 patriotic.

5 [10.10.02]

6 For example, in the case of Thiounn Thioeunn, he was from a
7 well-bred family but he devoted himself, Thiounn Thioeunn,
8 Thiounn Mumm, Thiounn Prasith, people from the same last name
9 were very educated people who devoted themselves to revolution
10 and the movement, so they were not treated as bad people. And we
11 could not really call everyone enemy, otherwise our nation would
12 be so divided.

13 Q. Thank you for that explanation.

14 I would like to read to you now a statement from one of the Party
15 documents, the August/September 1974 special issue of
16 "Revolutionary Youth", which states that "the feudalist class is
17 divided into two types: one, feudalist-aristocrat; and, two,
18 feudalist-landowners. And it indicates that feudalist-aristocrat
19 class refers to the - quote - "ruling feudalist group" - quote --
20 and includes - quote -- the "king and high rank officials" such
21 as ministers, provincial governors, and district governors "down
22 to the commune chief and 'chumtub' [clerk]".

23 [10.11.39]

24 This -- For the record, this is document D175/6.2, at Khmer ERN
25 00283409, English ERN 00538746, and French ERN 00611810.

24

1 My question to you, Mr. Nuon Chea is -- I understand the point
2 you're making that not all feudalists were considered to be
3 enemies.

4 My question, though, is: In terms of the definition of classes,
5 is it correct, as stated in this document, that the
6 feudalist-aristocrat class included the King and officials of the
7 Government?

8 A. May I suggest that the document be presented to me so that I
9 can feel whether it is the document of the Party or not?

10 MR. PRESIDENT:

11 Court officer is now instructed to take the document from the
12 Co-Prosecutor to the accused person.

13 MR. LYSAK:

14 And, Mr. President, may I also request we can put this quote up
15 on the screen for people if it's-

16 It's quote 15.

17 (Short pause)

18 [10.14.25]

19 MR. PRESIDENT:

20 Mr. Duch Phary, you are asked to prepare to read the portion of
21 the documents if the accused person wishes to have that part be
22 read out.

23 MR. NUON CHEA:

24 A. I have never seen such writing or letters, text before, and I
25 don't even think that youth could have studied such materials.

1 [10.15.18]

2 BY MR. LYSAK:

3 Q. Mr. Nuon Chea, I'm not asking you to authenticate this
4 document. I have read a statement as to how a definition of the
5 feudalist-aristocrat class, and I'm simply asking you to tell us
6 whether or not it is correct that the Party considered the
7 feudalist-aristocrat class to include the King and officials from
8 the Government, from ministers, provincial governors and district
9 governors down to commune chiefs; is that correct?

10 MR. NUON CHEA:

11 A. I would like to say again: It is not correct.

12 Q. How did the Party define the feudalist-aristocrat class?

13 A. The term "feudalist" is a more general term. There would be a
14 lot of subcategories of things under "feudalist". We can refer
15 "feudalist" as those most heinous feudalist landowners and the
16 reactionary, and this does not mean that all landowners were all
17 feudalists. And this could not be done arbitrarily, because the
18 nation could have been very divided. At that time, what we needed
19 was to build forces, to create -- to make more friends, to reduce
20 having enemies. So our idea was to make more friends and that we
21 try to maximize having enemies.

22 [10.18.09]

23 Apart from those people who were committed to ruining the
24 country, who were the foreign henchmen or imperialists' henchmen,
25 they were all good people.

26

1 Q. Thank you, Mr. Nuon Chea. You indicated when we talked about
2 political education last month that, in addition to
3 "Revolutionary Flag", there were numerous other documents that
4 the Party used for education.

5 I'd like to show you now a Party circular, which is document
6 D366/7.1.56, and ask you if this is one of the other documents
7 that was used by the Party for education.

8 (Short pause)

9 [10.20.20]

10 Mr. President, we have this document in a binder, if I could have
11 it shown to the Accused. And I've also marked with a post-it the
12 page that I want to ask about.

13 MR. PRESIDENT:

14 Court officer is now instructed to take the document to Nuon Chea
15 and that the relevant page is put up on the screen.

16 (Short pause)

17 [10.21.23]

18 BY MR. LYSAK:

19 Mr. President, the relevant page that we would like to show is
20 Khmer ERN 00442435 - I'm sorry, 00442434 to -- through to 442435,
21 English ERN 00743798 to 99, and French ERN 00721087 to 88. This
22 is - again, this is document D366/7.1.56, which is a Party
23 document entitled "Sharpen the ideology of the proletarian class
24 until it becomes very sharp and strong".

25 Q. Mr. Nuon Chea, the statement I want to direct your attention

27

1 to in this document states as follows:

2 "There is still a contradiction with those in the feudalist
3 class, including the landowner and aristocrat (namely commune
4 chief, district governor, provincial governor, civil servant,
5 police and soldier)."

6 And the document goes on later to state that this is a
7 "life-and-death antagonistic contradiction".

8 [10.23.21]

9 So my question for you: Is it correct, as stated in this
10 document, that the Party concluded that the contradiction with
11 the feudalist class, both landowners and aristocrats, was
12 considered a "life-and-death antagonistic contradiction"?

13 MR. NUON CHEA:

14 A. It is wrong. Who had contradictions with the clerk, the
15 commune chiefs? Who could have such life-and-death contradictions
16 with them? Because there were good officers, there were good
17 people. And I already indicated time and again, but you keep
18 asking me the same question. I'm afraid that next time I will not
19 respond to any of your question because I have already made it
20 clear on several occasions already with regard to this.

21 [10.24.36]

22 Q. Thank you, Mr. Nuon Chea. We've been talking about the Party
23 lines that were approved at the 1960 Congress.

24 At subsequent congresses or meetings of the Central or Standing
25 Committee between September 1960 and April 1975, did the Party

1 leaders ever discuss and make any further determinations as to
2 which groups or persons should be considered enemies of the
3 Party?

4 A. So far as I remember, no group or people were regarded as
5 enemies, enemies of the Party. There were individuals who could
6 have been regarded as the enemies of the Party, for example those
7 informants, those spies who leaked the information from within
8 the Party to the enemies so that the enemies could attack the
9 Party.

10 So I would suggest that we should not overgeneralize things. For
11 example, we cannot say that the commune chiefs or the clerks were
12 enemies. As I indicated, there were no other enemies then those
13 who served the enemies. And if everyone was enemy, how could find
14 someone left to serve the revolution? Because, after all,
15 everyone was an enemy.

16 [10.26.49]

17 As I said time and again, there was our principle. We were trying
18 to reduce enemies, increase friends as much as possible. And this
19 is our slogan. We were gathering all forces. Any people who have
20 -- who had the national conscience or those who did not join the
21 enemies were also regarded as our force because they were not
22 sided with the enemies.

23 Some people were neutral -- they were neither enemies nor friends
24 -- that they could not be regarded as enemies. So, I hope it is
25 clear now.

29

1 I may also indicate as well - And, again, my sincere apologies.
2 I'm not really patronizing you or looking down on you, because
3 you have never known the poor peasants in our country, how their
4 life could have been. You can go to Amleang or Prambei Mom, you
5 may see how miserable their life could have been.

6 [10.28.21]

7 MR. PRESIDENT:

8 Mr. Nuon Chea, could you please be now advised to address
9 straightforward to the questions being put to you by the
10 Co-Prosecutor or the party? You have the right to remain silent
11 or to not respond to any particular question if you would not
12 wish to respond. You, at the same time, are not allowed -- or do
13 not have the right to look down on or to attack any party in the
14 courtroom. This is their strategy in putting questions by party
15 to the accused person, and it is their individual approach in
16 exercising the -- pursuit -- applying the procedures before the
17 Court.

18 [10.29.21]

19 MR. NUON CHEA:

20 Indeed, you're Honours. I am -- in no way disregard or show any
21 kind of disrespect to this Chamber. I would just like to give you
22 -- people the example how the poor peasant have been living,
23 because some poor people do not even understand clearly how the
24 very poor people have been living.
25 Some people from the city back then did not even know that rice

30

1 plant were rice plant; they were thinking of -- or mistaken the
2 rice plants as the -- as other plants. So I can tell you that
3 only people who experienced or lived in such condition knew very
4 well how hard life was, and their perspective could have been
5 very much different from those who would enjoy very good
6 lifestyles in the cities, who enjoy having fun with girls and
7 wine.

8 [10.30.51]

9 MR. PRESIDENT:

10 Thank you, but for the point of order, may we suggest that you
11 respond directly to the questions being put to you. And if you
12 feel that you do not wish to respond, then you can do so. And
13 that you are not qualified to insult or to say anything that may
14 have some implications onto the party putting question to you.
15 Since it is now appropriate time for the adjournment, we may take
16 the brief adjournment for 20 minutes.

17 (Court recesses from 1031H to 1103H)

18 MR. PRESIDENT:

19 Please be seated. The court is now in session.
20 The floor is now handed over to the prosecution to continue
21 questioning the accused Nuon Chea.

22 BY MR. LYSAK:

23 Thank you, Mr. President.

24 Q. When we stopped, Mr. Nuon Chea, we were discussing - I had
25 asked you a general question as to whether there was any point at

31

1 which the Party's definition of "enemies" changed, and I wanted
2 to ask you about one specific example.

3 You testified, on 13th of December 2011, that one of the
4 revolutionary tasks that had been determined by the Party was to
5 - quote - "eliminate the remnants of the half-colonialism,
6 half-feudalism" - end quote - part of Cambodian society. And you
7 went on to explain, though, that the goal of the Party's national
8 democratic revolution was "not to eliminate the capitalist".

9 [11.05.03]

10 So the question I'd like to ask you now is: At some point in
11 time, did the Party's goal changed from national democratic
12 revolution to socialist revolution? And if so, when was that?

13 MR. NUON CHEA:

14 A. Mr. President, according to Mr. Co-Prosecutor's question, I
15 would like to know whether there is any concrete documents which
16 allow me to answer the question. Can I have the documents?

17 Q. I'm not reading from a document, Mr. Nuon Chea, I'm simply
18 asking a question as to whether - Was there any point at time at
19 which the Party's goal changed from a national democratic
20 revolution to a socialist revolution?

21 A. Mr. President, unless I see the document, I can't answer
22 properly to the question.

23 [11.06.52]

24 Q. I was not reading from a document, Mr. Nuon Chea. What I had
25 read was simply part of you prior testimony, where you were

1 explaining that the Party's goal was to eliminate the remnants of
2 colonialism and feudalism, but not to eliminate capitalism,
3 which, you explained, was because the Party – the Party was
4 pursuing a national democratic revolution.

5 What I'm asking you at this point is whether, at some point, the
6 Party's goal changed from national democratic revolution to
7 socialist revolution; do you recall that ever happening?

8 A. I would like to indicate – or to ask whether it was written in
9 the document, what you have been referred to.

10 Q. Let me try the question a different way, Mr. Nuon Chea, give
11 you one more opportunity to answer this: Was there any time at
12 which the capitalist class became considered an enemy of the
13 revolution?

14 A. Mr. President, there was no time that the Party considered the
15 capitalists as the enemy of the revolution.

16 Q. Thank you, Mr. Nuon Chea.

17 [11.08.56]

18 Also in your testimony last month, you stated that armed struggle
19 – the armed struggle did not commence until 1968. And I wanted to
20 clarify that while the actual armed struggle did not begin until
21 January 1968, that the use of revolutionary or armed violence had
22 been approve at the first congress, in 1960; is that correct?

23 A. May I request that the Co-Prosecutor summarize the question or
24 put the question in short form? I cannot catch it.

25 Q. Yes. The short form of my question is: Is it correct that, at

1 the 1960 Congress, the Party approved the use of revolutionary
2 violence?

3 A. As far as I remember, the Party continued to do political
4 struggle as the principle. And as for the armed struggle, it was
5 only the supplement measure and it was implemented to protect the
6 cadres. This is the same thing I said before. And the struggle
7 that we did was a political struggle.

8 Q. I'd like to show you a - another document at this time, which
9 is a FBIS report of a speech that you gave on the 16th of January
10 1977, commemorating the ninth anniversary of the Revolutionary
11 Army of Kampuchea, which was broadcast on the Democratic
12 Kampuchea State Radio. The document number is D262.26, and the
13 relevant - the pages that contain the speech are Khmer ERN
14 00679792 through 679802, English ERN 00168465 through 168470, and
15 French ERN 00698444 through 698450.

16 And, Mr. President, if I could have the Khmer version shown to
17 the Accused?

18 MR. PRESIDENT:

19 Court officer is instructed to bring the document from the
20 Co-Prosecutor to the Accused.

21 (Short pause)

22 [11.13.30]

23 BY MR. LYSAK:

24 Q. And, Mr. Nuon Chea, to direct you, the speech that you gave
25 that was broadcast starts at the bottom of that page, of the

1 first page. So, if you can look at that, look at the bottom of
2 the first page of the document and tell me whether you recall
3 giving a speech to the Revolutionary Army of Kampuchea on its
4 ninth anniversary, on 16 January 1977.

5 (Short pause)

6 [11.14.32]

7 MR. NUON CHEA:

8 A. Mr. President, I need time to examine this document.

9 Q. Mr. Nuon Chea, I think it is fine for you to take your time.
10 The first question is: Do you recall making a speech on the
11 occasion of the ninth anniversary of the Revolutionary Army of
12 Kampuchea, in January 1977? Do you recall that?

13 A. Mr. President, I do not recall that.

14 Q. At --

15 A. Because I was not in the military section. The chief of the
16 Military Committee was Pol Pot, so when it comes to making
17 speeches, it was Pol Pot who made the speeches, it was not me.

18 [11.15.55]

19 Q. I understand that that was normally the case, Mr. Nuon Chea,
20 but if you look at the - at the very start of the speech, you
21 will see that you are identified as - quote - "chairman of [the]
22 Cambodian People's Representative Assembly Standing Committee and
23 acting prime minister".

24 Is it correct, Mr. Nuon Chea, that there was a period where,
25 because Pol Pot was sick, that you were temporarily named to

1 replace him as acting premier or prime minister? Is that correct?

2 A. Mr. President, this is wrong. I was never a prime minister.

3 [11.16.50]

4 Let me state it this way to make it clear: Pol Pot and I were
5 old, and the one who was being prepared to replace us was Son
6 Sen. So I did not take part in any military action. The one who
7 replaced Pol Pot -- was to replace Pol Pot in case he was - or
8 anything happened to him was Son Sen, it was not me.

9 Q. Do you not recall that, on the 27th of September 1976, it was
10 publicly announced that you were temporarily replacing Pol Pot as
11 premier due to him being sick? Do you not recall that, Mr. Nuon
12 Chea?

13 A. Mr. President, I never heard of that.

14 Q. And was it not the case, Mr. Nuon Chea, that, for almost a
15 year, you served as acting premier and signed documents that were
16 sent to other countries on behalf of Cambodia, as the acting
17 premier of Democratic Kampuchea? Is that not the case, sir?

18 A. Mr. President, this is not true. I stated again and again that
19 the one who replaced Pol Pot was Son Sen. Son Sen was prepared,
20 he was promoted to be the future Secretary General. And when Pol
21 Pot was sick, it was Son Sen who replaced him, it was not me.

22 [11.19.17]

23 Q. How long was the period that Pol Pot was sick, that you claim
24 Son Sen replaced him?

25 MR. PESTMAN:

1 Your Honour, if I can object to this question, I don't see the
2 relevance of this question for the first segment. We can discuss
3 the structure of the Party at a later date, but as far as I'm
4 concerned, we're only discussing the evacuation of - no, not the
5 - the historical background, the pre-1975 period, and not the
6 period after 1975.

7 MR. LYSAK:

8 Mr. President, I'm not looking to discuss that period, I'm trying
9 to authenticate a document that discusses this speech, discusses
10 the historical background period, and I'm simply trying to
11 identify who gave the speech.

12 (Judges deliberate)

13 [11.20.35]

14 MR. PRESIDENT:

15 The defence counsel's objection is not sustained. Mr.
16 Co-Prosecutor may continue with his question, and the Accused is
17 instructed to answer the question asked by the Co-Prosecutor.

18 BY MR. LYSAK:

19 Q. Mr. Nuon Chea, my question was: What was the period of time
20 during which Son Sen replaced Pol Pot as acting Premier because
21 Pol Pot was sick?

22 MR. NUON CHEA:

23 A. At that time, as I remember, Pol Pot was sick for many months,
24 and it was Son Sen who replaced him, but I do not recall the
25 exact number of months.

1 [11.21.45]

2 Q. Okay. And because I'm asking these questions to determine who
3 gave these – the speech in question, here, was it correct that
4 during the period Pol Pot was sick, that other leaders gave
5 speeches at major events, such as the anniversary of the
6 Revolutionary Army, or the anniversary of the Party? Is it
7 correct that, during the period he was sick, other leaders would
8 give these speeches instead of Pol Pot?

9 A. Mr. President, Son Sen was the Secretariat Chief or the
10 General of the Staff Secretariat.

11 Q. My question was simply: During the period Pol Pot was sick,
12 did other leaders such as Son Sen, Khieu Samphan or yourself give
13 speeches at major events instead of Pol Pot?

14 A. Mr. President, this does not deal with Mr. Khieu Samphan,
15 because Mr. Khieu Samphan was not part of the military. And as
16 for me, I was the President of the Assembly. It was only Son Sen,
17 who was the General of the Staff Secretariat, who deal with that
18 issue.

19 [11.23.50]

20 Q. Okay, we'll come back to that at a later phase of this case.
21 For now, I'd like to refer you to one of the statements in the
22 document that I've just given to you.

23 We've been talking about the issue of the approval of the use of
24 armed violence at the 1960 Congress, and I'd like to read at this
25 time from document D262.26, at Khmer ERN 00679796, English ERN

1 00168467, and French ERN 00698446.

2 And we have this quote. We can put it on the screen, Mr.
3 President, if that's acceptable to the Court.

4 MR. PRESIDENT:

5 The Chamber allows the document to be put on screen.

6 MR. NUON CHEA:

7 Is there any original document? Can I be shown the document, if
8 any?

9 MR. LYSAK:

10 Mr. Nuon Chea, it was the document that was handed to you a few
11 minutes ago, document D262.26.

12 [11.25.56]

13 BY MR. LYSAK:

14 Q. And the statement I'd like to refer you to is during a
15 discussion of the part of the speech discussing the strategic and
16 tactical lines that had been adopted in 1960. The document
17 contains the following statement -- quote:

18 "We held the well-defined stand that to crush and overthrow the
19 U.S. imperialists, their lackeys and all the exploiting classes,
20 political action alone would not succeed. The enemy used arms and
21 totalitarian tools to repress and kill our people. For this
22 reason, after 1960 our Revolutionary Organization clearly decided
23 that political action and armed violence must be used to
24 overthrow and crush the enemy."

25 My question is whether this is a correct statement of the

1 political line that was adopted at the 1960 Congress.

2 [11.27.11]

3 MR. NUON CHEA:

4 A. I insist again and again that I be provided with a document
5 and I examine the document thoroughly before I can answer the
6 question.

7 MR. LYSAK:

8 Mr. President, I'm happy to leave the document with the Accused.
9 He can read it at his - at his leisure. And at a later --
10 tomorrow we can come back, and if he has some comment to make, he
11 can make it. And in the meantime, I'll move on to another
12 question, if that's acceptable.

13 MR. PRESIDENT:

14 It appears that this is the only option. Now that Mr. Nuon Chea
15 is provided with the document, you should read through the
16 document and reveal -- come back to this question again tomorrow.

17 [11.28.13]

18 And Mr. Co-Prosecutor may begin with another question now.

19 [11.28.25]

20 BY MR. LYSAK:

21 Q. The next subject that I want to ask you about regarding the
22 1960 Congress.

23 In your opening statement you've indicated that the 1960 Congress
24 approved both legitimate and illegitimate forms of struggle.

25 And I'd like to show you a statement from the September 1977 Pol

40

1 Pot speech that we've been discussing the last few days, which is
2 document D243/2.1.12, at Khmer ERN 000631148 (sic), English ERN
3 00486236 through 486237, and French ERN 00492824.

4 And we can put this quote on the screen as well if that's
5 acceptable, Mr. President.

6 [11.29.59]

7 MR. PRESIDENT:

8 The document is to be put on the screen, and that the portion of
9 the document which will be examined is to be copied and provided
10 to the Accused.

11 MR. LYSAK:

12 Yes, Mr. President, we've already -- earlier today, we've given
13 him a copy of that document, so he has it with him now.

14 MR. PRESIDENT:

15 The court officer is instructed to facilitate Mr. Nuon Chea with
16 the document that Mr. Co-Prosecutor is presenting before Nuon
17 Chea.

18 (Short pause)

19 [11.32.07]

20 MR. NUON CHEA:

21 Mr. President, may I say that I cannot accept these copied
22 documents. I am now insisting that I would like to obtain the
23 original documents.

24 [11.32.23]

25 MR. PRESIDENT:

41

1 Mr. Nuon Chea, the Trial Chamber wishes to inform you that, on
2 the 10 January 2012, the Chamber had already issued an oral
3 decision concerning the magazine of "Revolutionary Flag". So the
4 Chamber will consider the objections to the above document at the
5 end of the trial, when considering the entire body of the
6 evidence. At this time, the Accused cannot object to the use of
7 documents put before the Chamber or by the parties on the basis
8 that there is no original document.

9 If the Accused still is trying to obtain the original documents,
10 the Chamber presumes that he exercises his right to remain silent
11 in response to the questions.

12 [11.33.47]

13 MR. NUON CHEA:

14 Mr. President, I would like to exercise my right to remain
15 silent.

16 MR. PRESIDENT:

17 Counsel for Nuon Chea, you may now proceed.

18 MR. PESTMAN:

19 Thank you, Your Honour. What my client is, in fact, doing is not
20 exercising his right to remain silent; he's challenging the
21 authenticity of the copy. And whether it is indeed a copy of the
22 original "Revolutionary Flag" has yet to be established.

23 So he officially files a motion challenging the authenticity of
24 this particular document. And I invite the prosecutor not to show
25 any quotes from this document anymore.

1 (Judges deliberate)

2 [11.35.32]

3 MR. PRESIDENT:

4 We would like to hand over to the Co-Prosecutor to proceed with
5 the questions.

6 You still can show any relevant portions as quoted from the
7 "Revolutionary Flag" magazine as the Chamber has already ruled on
8 this, and that the Accused has indicated very clearly that he has
9 exercised his rights not to respond to any particular question.

10 So you may now proceed.

11 May we now reiterate that, if the prosecutor wishes to continue
12 presenting any relevant parts of the "Revolutionary Flag"
13 magazine, you can still do so, as long as the portions are
14 relevant to the historical background of the Communist Party of
15 Kampuchea. Your notes -- your statements will be well recorded
16 into the transcription.

17 [11.36.50]

18 And the accused person has indicated that he would like to
19 exercise his right to remain silent.

20 And at the same time, let's be clear that the Chamber has already
21 ruled that this document be put before the Chamber.

22 And you may proceed to the same questions that are relevant to
23 the "Revolutionary Flag" magazine. And you, at the same time, may
24 pose some other questions.

25 And it is now up to the accused person who wishes to respond to

1 the questions or not. He has the full right to respond or not to
2 respond to any of the questions.

3 MR. LYSAK:

4 Thank you, Mr. President. Let me ask the question that I was
5 going to ask and then we'll see whether he wishes to exercise his
6 right or to answer the question.

7 [11.37.56]

8 BY MR. LYSAK:

9 Q. The statement I wanted to refer to you in the document, Pol
10 Pot's September 1977 speech, states as follows -- quote:

11 "The First Congress of our Party specified the following forms of
12 revolutionary struggle:

13 "The first form of struggle was to use revolutionary political
14 violence and revolutionary armed violence."

15 Continuing on later:

16 "The second form was legal, semi-legal and illegal struggle,
17 taking illegal struggle as the basic form."

18 My question to you, Mr. Nuon Chea, is whether it is correct that
19 the Party, at the 1960 Congress, approved the use of illegitimate
20 or illegal struggle as the basic form to achieve your
21 revolutionary goals?

22 [11.39.06]

23 MR. NUON CHEA:

24 A. Mr. President, I would not wish to respond to this question.

25 MR. PRESIDENT:

1 Co-Prosecutor may proceed to another question. His remarks have
2 already been recorded.

3 BY MR. LYSAK:

4 Thank you.

5 Q. Khieu Samphan has written in his book "Considerations on the
6 History of Cambodia" that, following the 1960 Congress -- I will
7 quote from Mr. Khieu Samphan's book -- quote: "To clearly denote
8 the start of the new journey, all members of the movement had to
9 resubmit their applications to join the Party." End of quote.

10 And this is document D213.2, at Khmer ERN 00380369, English ERN
11 00498232, and French ERN 00643835.

12 My question for you, Nuon Chea, is -- The first question is very
13 simple: Is it correct that, following the 1960 Congress, all
14 members had to resubmit applications to join the Party?

15 MR. NUON CHEA:

16 A. I think I cannot respond to this question because I have never
17 seen the document written by Khieu Samphan.

18 Q. Mr. Nuon Chea, you were the Deputy Secretary of the Party and
19 one of a small number of people who attended the 1960 Congress.
20 Do you remember whether or not Party members were required to
21 reapply to join the Party after the 1960 Congress?

22 A. I don't remember.

23 [11.41.53]

24 Q. And the next question I wanted to ask you concerns changing or
25 mending the Party's political lines that were adopted in 1960.

1 Can you tell the Chamber who had authority to change the Party
2 lines that had been approved at the 1960 Congress?

3 A. People who had the authority to change the Party's line were
4 the General Party's Congress. No other people would be allowed to
5 do that.

6 [11.42.47]

7 Q. So the Central Committee and Standing Committee itself did not
8 have authority to change the political lines; they could only be
9 changed at the Party congresses; is that correct?

10 A. Yes, it is. Only during the Party -- or general congresses
11 attended by all members of the Party from all across the country
12 that any changes to the lines could have been made.

13 Q. And can you tell us whether there were any changes to the
14 Party political lines at congresses subsequent to 1960 and prior
15 to April 1975?

16 Put another way, Mr. Nuon Chea, were there any changes to the
17 Party's political line prior to 17 of April 1975, after those
18 lines were adopted in 1960?

19 A. I don't recollect the details of this.

20 Q. Do I understand your answer is that you don't recall any
21 changes to the political lines prior to 17 April 1975? Is that
22 correct?

23 A. I just don't remember. As I already emphasized time and again,
24 any changes to the Party's political lines could have only been
25 made during the general Party's congresses; no other people would

1 be allowed to do so.

2 [11.45.42]

3 Q. Thank you, Mr. Nuon Chea.

4 The next general subject I want to move to is the issue of the
5 Secret Defence Units that were put into place, organized after
6 the 1960 Party Congress. The Chamber has already asked you some
7 questions; I have a few more follow-up questions.

8 My first follow up question: In the testimony that you gave on
9 the 13th of December 2011 regarding those Secret Defence Units,
10 you stated that they were - quote -- "recruited from the children
11 of the peasants".

12 My question is: Why were children recruited for that assignment?

13 [11.46.35]

14 A. They were not the soldiers; they were only people who could
15 escort the cadres when they were on duty. There were no arms, no
16 weapons. They would be equipped with some -- like poles or other
17 tools rather than weapons.

18 Q. And why was it, though, that children were recruited for that
19 assignment?

20 A. These children, so far as I remember, were tasked with tending
21 cows and escorting cadres when they were on field trips. The
22 cadres were their relatives anyway, so, for example, when they
23 went down to the fields, they would ask that their nephews
24 accompany them.

25 Q. What were the ages of the children who were recruited to the

1 Secret Defence Units that were formed after the 1960 Congress?

2 A. No decision has ever been made, so far as I recollect. And the
3 age group of these people could have been people from -- people
4 who were 15 and 16 years of age, those who were tending cows, the
5 rural children.

6 [11.49.40]

7 Q. Who was it that was responsible for organizing these Secret
8 Defence Units after 1960, between 1960 and 1966?

9 A. It was not organized by anyone; people did it on their own
10 initiative. They did so to protect themselves, for their personal
11 security.

12 Q. I want to refer you now to an issue of "Revolutionary Flag"
13 that Judge Cartwright showed to you and it was put before the
14 Chamber back in December, which is document D243/2.1.9, which is
15 the December '76 to January to 1977 "Revolutionary Flag".

16 And I have a copy of it that we can give to the Accused, and we
17 also have -- can put on the screen the excerpt that I want to ask
18 him about.

19 [11.51.26]

20 MR. PRESIDENT:

21 The Chamber allows the document to be shown.

22 MR. LYSAK:

23 Mr. President, the ERN numbers of the - of the relevant page are
24 Khmer 00063025, English 00491413, and French ERN 00504035.

25 BY MR. LYSAK:

1 Q. Mr. Nuon Chea, the excerpt that we're showing to you relates
2 to an issue that Judge Cartwright asked you about, which was how
3 the Secret Defence Units were organized into armed guerrilla
4 units in 1966. And this "Revolutionary Flag" explains the reason
5 for that decision as follows. I quote:

6 "In 1966, the state of contradiction between revolution and
7 counter-revolution grew stronger. So the Party Center decided
8 that the situation in Kampuchea had developed into stronger and
9 stronger antagonistic contraction and into sharp life-and-death
10 contradiction. The Party had to prepare to use weapons to attack
11 the enemy."

12 Is this a correct statement of a decision -- the reasons for the
13 Party's decision in 1966 to arm the Secret Defence Units?

14 MR. NUON CHEA:

15 A. I think I have already made clear with regard to this
16 document. They are not the original documents, and yet I would
17 like to have the original documents.

18 When you asked whether -- who managed the unit, as I indicated,
19 it was the people who decided on their own destiny. When the
20 police or soldiers who rounded them up, the villagers would join
21 force to protect themselves. Sometimes, they did not use any
22 violence; they negotiated, and the issue were resolved
23 peacefully.

24 [11.55.20]

25 Q. Mr. Nuon Chea, we're talking about 1966, now.

1 And is it correct that, in 1966, the Central Committee made a
2 decision to arm the Secret Defence Units so that they could be
3 organized into guerrilla units? Is that correct?

4 [11.55.49]

5 MR. PRESIDENT:

6 Could International Co-Prosecutor put the question again? Because
7 the rendition into Khmer suggests that the question was referring
8 to 1976, rather than the 1966. So could you please repeat the
9 question? And the interpreters are advised to be very careful and
10 -- when it comes to date because, if the date has not been
11 rendered properly, the response would also be difficult.

12 MR. LYSAK:

13 Thank you, Mr. President.

14 BY MR. LYSAK:

15 Q. The question is: In 1966, did the Central Committee decide to
16 arm the Secret Defence Units and organize them into guerrilla
17 units? Is that correct, Mr. Nuon Chea?

18 MR. NUON CHEA:

19 A. I don't remember, for the fact that I was not in charge of the
20 military.

21 Q. Well, when this document refers to events in 1966 that led the
22 Central Committee to conclude that life-and-death or antagonistic
23 contradictions had grown stronger and that the Party had to
24 prepare to use weapons, what was it that had occurred in 1966
25 that led the Central Committee to conclude that life-and-death -

1 life-and-death contradictions had grown stronger?

2 [11.58.07]

3 A. Organizing the military unit was not a simple task. It would
4 not be easy to gather people to form such an organization. So it
5 was the people themselves who organized into groups to protect
6 themselves; no one organized it for them.

7 [11.58.57]

8 Q. My question, Mr. Nuon Chea, is: Do you recall what it was that
9 happened in 1966 that led the Central Committee to decide it was
10 necessary to arm the Secret Defence Units?

11 A. As I indicated, I do not remember this. Because equip someone
12 with arms could have not been done quickly or easily; where could
13 we find weapons?

14 Because at that time the authority was embedded with the
15 government, and that we could not do anything to make sure people
16 could be armed. We only could -- The only thing we could do was
17 to make sure that people could unite among themselves by sharing
18 rice and other things, and -- but it was not involved with
19 weapons.

20 MR. PRESIDENT:

21 Thank you very much.

22 The Chamber notes that it is now appropriate time for the lunch
23 adjournment. We now adjourn for 90 minutes. The afternoon session
24 will resume at 1.30.

25 Personnel securities are instructed to take the accused persons

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1 to the holding cells and have them return to the courtroom by
2 1.30.

3 [12.01.12]

4 The Court is now adjourned.

5 MR. NUON CHEA:

6 (No interpretation)

7 MR. PRESIDENT:

8 The accused persons are now instructed -- are advised to tell the
9 Chamber whether he would like to follow the proceeding through
10 the remote participation at the holding cells or else.

11 MR. NUON CHEA:

12 Indeed, I would like to follow the proceeding from the holding
13 cell.

14 MR. PRESIDENT:

15 You are allowed to do so, on the condition that the defence
16 counsel produce the letter of the waiver to the Chamber
17 indicating such intention as soon as possible.

18 MR. ANG UDOM:

19 Mr. President and Your Honours, my client, Mr. Ieng Sary, would
20 like to be excused from this courtroom but following the
21 proceeding from the holding cell, because he says that his health
22 is not good remain sitting here in this courtroom. And we will
23 proceed to the writing of the letter immediately.

24 [12.03.02]

25 MR. PRESIDENT:

1 The Chambers note the two requests by the two counsels, and that
2 the accused persons are permitted to follow the proceedings
3 remotely from the holding cells.

4 The AV people are now instructed to ensure that the AV equipment
5 is well linked and connected so that the accused persons can
6 follow the proceedings remotely.

7 The Co-Prosecutor, you may now proceed.

8 MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President.

10 I simply would like to know if it is confirmed that this
11 afternoon Klan Fit will be questioned by the defence and what
12 will happen after the testimony by this civil party. Will we
13 continue with other witnesses this afternoon? I just simply want
14 to be clarified about that. Thank you.

15 [12.04.11]

16 MR. PRESIDENT:

17 Thank you. The Chamber wishes to inform parties that, during this
18 afternoon session, the Chamber is hearing testimonies of Mr. Klan
19 Fit, and if the testimony concludes and there is still time -- or
20 appropriate time for questioning the Accused, the Chamber will
21 put -- will hear the accused person after the testimonies of Mr.
22 Klan Fit. And, indeed, the Chamber wishes to hear Mr. Khieu
23 Samphan after Mr. Klan Fit. Thank you.

24 (Court recesses from 1205H to 1333H)

25 MR. PRESIDENT:

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

2 [13.33.56]

3 As planned, for this afternoon's session, we continue to hear
4 testimony of civil party Klan Fit, who will be questioned by the
5 three defence counsel teams.

6 First of all, the Chamber would like to hand over to defence
7 counsel for Nuon Chea to put question to this civil party, if
8 there is any.

9 QUESTIONING BY MR. SON ARUN:

10 Thank you, Mr. President. I have some questions to Mr. Klan Fit
11 and I will not be more than 20 minutes.

12 Mr. Klan Fit, I am the lawyer for Mr. Nuon Chea. I have a number
13 of questions for you.

14 Q. First, in 1961, you were in Malik village, Malik commune, Bar
15 Keo district and Rattanakiri province; is that true?

16 MR. KLAN FIT:

17 A. Yes, it is true.

18 Q. You joined the revolution with Ta Vy, alias Ta Vong, from
19 Kampot province, who led you into the revolution; is this
20 correct?

21 [13.36.06]

22 A. Yes, it is.

23 Q. Did you understand -- Before joining the revolution, did you
24 understand the meaning of the word revolution? And did you want
25 to join the revolution by yourself, or you were forced to join

1 the revolution?

2 A. Om Vong forced me to join it.

3 Q. In 1961, if you were forced to join the revolution, you could
4 have refused. But why did you not refuse? Because during that
5 time the Communist effect was not that strong.

6 A. I was afraid. I never saw it, but I was told there was the
7 Angkar who wanted me to join the revolution. And when we joined
8 the revolution it means we had to have the village chief and
9 things like that, and so I was afraid and I decided to join.

10 Q. In 1961, I was also living in that time and I knew that people
11 were leaving peacefully, but I wonder why you said you were
12 forced to join the revolution and you were – you were appointed
13 to village chief.

14 [13.37.57]

15 Did you want to have that position? Was this the reason why you
16 join it?

17 A. No. Basically, I was afraid. I was afraid of Angkar.

18 The Angkar came from the jungle. They came out of the jungle and
19 they came to the cities or the urban areas to educate us, so I
20 was afraid of them. I was told to do things.

21 Q. When you were asked by the Co-Investigating Judges, Mr. Klan
22 Fit, you told the Judges that in 1974, somewhere near Poh Poy
23 Block (phonetic), you said that Mr. Ieng Sary told the people --
24 and you were among them -- that they were to stop calling the
25 Vietnamese as Vietnamese and they were to call them as the "Yuon"

1 invaders and to tell them to stop to come and take our lands to
2 be their bases for them to build their forces; is this true?

3 A. Yes, it is. At the time, I was a village chief and I was told
4 that we call them the "Yuon".

5 [13.39.36]

6 We were told also, however, that the Vietnamese, the Laotians,
7 and the Khmer were firstly relatives by blood. But when it came
8 to 1976 and 1977, I was accused of joining the Vietnamese
9 Federation and I was arrested and detained. That's all from me.

10 Q. When you said -- When you hear -- or heard Mr. Ieng Sary said
11 that the Vietnamese came to take our land, what do you -- what
12 did you think about that at the time?

13 A. When it was in 1975, there were fightings along the borders.
14 There were the zone forces who came to the battlefield. I said,
15 unless it was -- it was Ta Vong who would accompany me to fight,
16 I would not go.

17 Q. When it comes to the 10th question asked by the
18 Co-Investigating Judges, it reads that, on the 17 April of 1975,
19 a number of people came to the meeting in Borei Keila, and the
20 meeting last for four days. And you told the Co-Investigating
21 Judges that you came to the congress two times; is this true?

22 [13.42.26]

23 A. Yes, it is.

24 Q. When you met Nuon Chea when you came to Phnom Penh, what was
25 he like?

1 A. He had a large body. He was short.

2 I was told that his name was Nuon Chea, but I -- but if I was not
3 told that he was Nuon Chea, I would not recognize that he was
4 Nuon Chea.

5 Q. You came to Phnom Penh-- Did you come to Phnom Penh to join
6 the congress or to study?

7 A. I came to the meeting and the meeting involved commune chiefs,
8 district committees, and zone committees, everyone across the
9 country.

10 [13.43.35]

11 Q. According to your answer to the Co-Investigating Judges, you
12 said that Mr. Nuon Chea led the meeting and that he had a very
13 soft voice. He was big and short. This is what you answered to
14 the Co-Investigating Judges. Is this what you said? Do you
15 remember this?

16 A. I saw him with my own eyes, and I was told that he was Nuon
17 Chea.

18 Q. Since you joined the Khmer -- the Khmer Communist, did you
19 ever meet Pol Pot?

20 A. Yes, I did.

21 [13.44.40]

22 I saw Om Pot, Ieng Sary and Ya. Those people used to live in our
23 area. I only saw Nuon Chea when I met him when I came -- when I
24 came to Phnom Penh to the meetings during that two times.

25 Q. So you're saying that you met Pol Pot when he went to

1 Rattanakiri?

2 A. Yes, it was in the jungle at that time.

3 Q. Could you describe Pol Pot?

4 A. (Microphone not activated)

5 MR. PRESIDENT:

6 Mr. Son Arun, can you help him with the mic?

7 MR. KLAN FIT:

8 A. He has a big belly, but a small head. I -- people were -- were
9 talking about his build, his appearance that "Have you ever seen
10 a guy with a big belly, but small head?"

11 [13.45.58]

12 And the Lon Nol people also discussed him that way, but when I
13 saw him; yes, it is true. He has a -- he had a big belly, but a
14 small head and big thighs.

15 BY MR. SON ARUN:

16 Q. Thank you. You answered to the Co-Investigating Judges that
17 you changed the location frequently when you were in your former
18 district because you were afraid that the "Yuon" would attack.
19 Did that happen after that, that you said you were afraid that
20 the "Yuon" would attack?

21 MR. KLAN FIT:

22 A. Yes.

23 Q. In document D22/42, on page B, that is after the Democratic
24 Kampuchea 1975. Can you tell me where you lived?

25 A. I live in Phum (phonetic) -- in In village, Ta Lav commune,

1 Andoung Meas district.

2 Q. Did you witness the evacuation of people out of the city in
3 the area where you live?

4 A. I did not see that. There was no people brought from the city,
5 but there were people brought from the cities to other area; not
6 my area.

7 [13.48.00]

8 My area was small. There were 800 people who were brought from
9 the city and 155 including the -- the previous 155 people, and
10 900 people were included to that area. This is what I saw.

11 Q. When you saw that people from the urban area came to live in
12 the countryside, what did you see regarding the treatment of the
13 Khmer Rouge towards the new people?

14 A. I saw it when I attended the meeting that people were told to
15 build dams. We had a two-day meeting, and we worked at the dams
16 for seven days. The people -- both the new and the old people
17 were working together. It was in Srae Kor.

18 [13.49.37]

19 Mr. Ieng Sary called up on me to attend the -- the meeting. We
20 worked day and night. For the night shift, we started at -- from
21 6 o'clock and finished at 9 o'clock. That is what I saw in Srae
22 Kor village, but the village was not big; it was small. The
23 village was small and so we could not accommodate many people in
24 that village, and the village also exists today.

25 Q. How long did you stay in each village?

1 A. I lived in Srae Kor village for seven days; that is the day
2 that I worked and two more days for the meeting. And in -- and
3 then I moved to Ya Village and lived there for a while before I
4 went to Phnom Penh to attend a meeting.

5 [13.51.12]

6 I witnessed people were taken from the small village and moved
7 them to a bigger village.

8 Q. Did you witness any killings or any people who were moved
9 there and work until they die or they starve to death, things
10 like that; did you see that?

11 A. I did not see that with my own eyes. I was living with them. I
12 work with them, but I did not see the bads or the good things.

13 Q. In September 1978, you were -- you were -- or Ta Kheng -- you
14 were brought by Ta Kheng and other people--

15 MR. PRESIDENT:

16 Mr. Co-Prosecutor, you may take the floor.

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. President. I believe I may not have heard the
19 entirety of the question by my learned colleague, but the one
20 before that was about his views that other parties were not
21 allowed to put questions about -- what I'm trying to say is can
22 this please be confined to the first trial? Thank you.

23 MR. PRESIDENT:

24 Thank you, Mr. Co-Prosecutor. However, your objection is not
25 sustained because the questions to be put to the civil party are

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1 not restricted only to the first segment of the trial.

2 [13.53.40]

3 We have already classified -- reclassified this case as Case
4 002/1. Any relevant facts concerning this case file are allowed
5 to be put to the civil parties. So questions to be put to the
6 civil party are general questions, but questions to the Accused
7 must be limited to only the historical background of the
8 Communist Party of Kampuchea.

9 Mr. Klan Fit, do you feel you remember the question and that you
10 can address it or would you wish the counsel to restate the
11 question?

12 MR. KLAN FIT:

13 I already responded.

14 BY MR. SON ARUN:

15 Q. So it is true, isn't it, that you came to Phnom Penh on
16 September 1978, along with the people that I just noted?

17 MR. KLAN FIT:

18 A. I was taken by Ta Kheng, along with 12 other people. We
19 arrived in Phnom Penh in the morning, and we saw a truck
20 approaching us with a red flag and our names were called. Om
21 Vong, Ta Poy, Om Yong, Ta Chhom were the names they called to get
22 on the truck.

23 [13.56.02]

24 People were not very happy when they heard that among the 12
25 people only 4 of us were called to get on the truck because they

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1 said that those people who left earlier could never come back.
2 And we were responded with the statement that whatever asked we
3 had to really follow the instructions, because sometimes they
4 needed people; sometime they didn't need so when people were
5 needed, then they would have to be transferred or taken by truck.

6 Q. Thank you.

7 Could you please describe to the Court the general situation in
8 Phnom Penh back then when you first arrived? Was Phnom Penh a
9 very quiet city or was it normal like current day?

10 A. Phnom Penh was very quiet, so quiet; we only saw some cooks
11 who were assigned to prepare food for people in the city.

12 Q. You said when you arrived in Phnom Penh and you indicated that
13 four people were called to get on a truck with a -- with a flag.
14 Did you -- or were you transferred to Tuol Sleng back then; is
15 that correct?

16 A. I did not know whether the four people who got on the truck
17 were taken to Tuol Sleng, but I knew that they were taken away.

18 [13.58.20]

19 When the four people were taken away during lunchtime, some
20 people in my group were separated and brought to other location.

21 Q. Referring to document D22/42, on the 7 of January '79 at 6
22 a.m., you indicated that you heard radio news broadcast on radio
23 that we were expected -- that people would have to go abroad; can
24 you elaborate further on this?

25 A. When -- before leaving Phnom Penh, I and other people were

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1 called to attend the meeting and we were told that -- we were
2 told that they would be going abroad, and we were asked to not
3 argue with people who remain and we were asked to fight the
4 Vietnamese or "Yuon.

5 [14.00.09]

6 The following morning the senior people left by two planes, and
7 we could see the airplane hovering above our roofs.

8 Q. Do you remember who were on those planes?

9 A. I -- they were the senior people; Om Pot, Om Vong because when
10 they were leaving, their bodyguards were left behind. They were
11 weeping because those bodyguards would like to follow these
12 people, but they did not want them to go with them.

13 [14.01.14]

14 And I do not really predict what happen. It is a reality what I
15 witnessed.

16 Q. This is my final question. You lodged a complaint against
17 senior Khmer Rouge who are under custody, so what is your main
18 purpose behind this complaint?

19 A. I am not filing a complaint to challenge them, but I am here
20 to tell the truth because I have worked with them and we had
21 worked for them.

22 We were treated like brothers at the beginning when we joined the
23 revolution. We were asked to be nice to the Vietnamese, but later
24 on those senior people told us that we had to fight the
25 Vietnamese so everything started from then.

1 [14.02.40]

2 Q. You said you would not file a complaint against Nuon Chea,
3 Khieu Samphan and Ieng Sary, but you are here as a civil party.
4 May I know your claim? What do you want from this Court?

5 A. I want to stay alive -- because I want to stay alive and I
6 want to tell the Court that everything I did, I did on orders by
7 those senior people, not on my own initiative.

8 MR. SON ARUN:

9 Thank you, Mr. Klan Fit. Thank you, Mr. President. I have no
10 further questions.

11 MR. PRESIDENT:

12 Thank you, Counsel. Next, we would like to hand over to the
13 defence counsel for Ieng Sary to put questions to the civil party
14 if they would wish to do so.

15 [11.04.00]

16 QUESTIONING BY MR. ANG UDOM:

17 Q. Thank you, Mr. President, Your Honours and the Court.
18 Good afternoon, Mr. Klan Fit. I am Ang Udom, defence counsel for
19 Mr. Ieng Sary. I would like to put a few questions to you as
20 follows.

21 First, from when did you start to read and write Khmer?

22 MR. KLAN FIT:

23 A. I have never been able to write and read Khmer.

24 Q. Before you are called to give testimonies before this Chamber,
25 has anyone ever read any documents to you to remind you of any

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1 events before you could give testimonies to this Chamber?

2 [14.05.21]

3 A. No one has ever read anything to me. I personally know what to
4 say.

5 Q. I have three documents now to be put to you. On the 24th of
6 June 2008, you lodged a civil party application; is that correct?

7 A. I don't understand the civil party term. What does it mean?
8 Can you explain in lay language in Khmer?

9 Q. I would like to proceed to another question or repeat it. Have
10 you ever filed any complaint?

11 A. As I already indicated, I have not filed a complaint, but I
12 have been asked by Angkar and -- about these senior people or "Om
13 Om", so I just wish to tell Angkar about the details.

14 Q. With regard to your complaint or application dated 24th of
15 June 2008, you provided some details to -- before your lawyers;
16 is that true?

17 A. Indeed, it is true that I was asked some questions and I
18 really told them the facts with regard to the work I have done
19 with those senior people or "Om Om".

20 Q. Thank you and have you signed on that document and given some
21 print?

22 [14.07.54]

23 A. Yes, I have done so.

24 Q. Have you -- or do you acknowledge that the document is
25 legitimate and complete?

1 A. I don't understand. I don't know whether the document is
2 really legitimate or complete because I don't read or write, but
3 the only thing I know is that I have told them the truth; I never
4 lied to anybody.

5 Q. The next question is the document dated 8th of December --
6 rather November 2009. You gave testimonies to the investigators
7 of the Khmer Rouge Tribunal; is that correct?

8 [14.09.03]

9 A. Yes, it is.

10 Q. Thank you. The record of interview that you gave to the
11 investigators was kept; is that correct?

12 A. I just told them the details, the facts, so on and so forth,
13 and I don't know whether the record is kept or not.

14 Q. Have you been read out or have you ever been read to these --
15 the documents with regard to your statement and that you have
16 approved the content of the documents; is that correct?

17 A. Yes, it is.

18 Q. And you have agreed to give a thumbprint on that document; is
19 that correct?

20 A. Yes, it is.

21 Q. This means that you have consented that the document is
22 legitimate and complete; is it fair to say so?

23 A. Whether it is fair to say or not, it depends on the reality.
24 You can refer to the documents.

25 Q. Thank you. There is another piece of document; document

1 entitled "Additional Information", with regard to Case 001,
2 document 22/42.3. [The case here is 002, not 001, corrects the
3 interpreter.]

4 BY MR. ANG UDOM:

5 Q. Have you given such additional information so far?

6 MR. KLAN FIT:

7 A. I have already reported to the lawyers and I responded
8 honestly to the questions put to me and that's all.

9 [14.11.57]

10 Q. Before you have given thumbprint to this document, the
11 recorder -- the person who recorded the interview has read out
12 the document to you; is that correct?

13 A. Yes, it is. I was read.

14 [14.12.21]

15 Q. Have you known the person named Romam Yun?

16 A. Indeed, I know him. He lives in the same village as I do.

17 Q. With regard to all the documents I have referred to a moment
18 ago, have you been questioned along with Mr. Romam Yun?

19 A. No, we have not been questioned together. We were questioned
20 separately.

21 Q. On the 6th of December 2011, and yesterday as well, when you
22 were asked some questions, you stated you were forced to join the
23 revolution; is that your real statement?

24 A. Yes, it is.

25 MR. ANG UDOM:

1 I would like a document with your permission, Mr. President --
2 and my colleague may assist me -- and I would like to read
3 straight to the portion I refer to.

4 MR. PRESIDENT:

5 Indeed, you are allowed to show the document or read document.

6 MR. ANG UDOM:

7 Document D - rather, ERN 00403054 or D247/1.

8 MR. PRESIDENT:

9 Could you please repeat your ERN number reference? 54 or 59, the
10 ending digits?

11 MR. ANG UDOM:

12 I repeat, the ER number is 00403459.

13 [14.15.57]

14 MR. PRESIDENT:

15 International Co-Prosecutor, you may now proceed.

16 MR. DE WILDE D'ESTMAEL:

17 Thank you, Mr. President. Could the defence also provide us with
18 the French ERN numbers, as well as the English ERN numbers? Thank
19 you.

20 [14.16.17]

21 MR. PRESIDENT:

22 Thank you. It is the procedure in presenting documents -- party
23 who is presenting the document needs to refer to the documents in
24 three versions so counsel is now advised to give the reference
25 number in French and English and Khmer; altogether the three

1 languages.

2 [14.17.40]

3 MR. ANG UDOM:

4 My apologies. Now, the reference number in French is ERN 00434843
5 to 00434850, English is ERN 00404460 and 00404467.

6 [14.19.15]

7 MR. PRESIDENT:

8 Co-Prosecutor, you may proceed.

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President. In French, there's a redacted version,
11 which is D247/1/correction 1, and the ERNs are 00751731 to
12 00751739.

13 So what we would like to know is what is the specific page that's
14 going to be read out. So could you please give us the French and
15 ER -- English ER number of the page that you are going to read
16 out? Thank you.

17 [14.20.46]

18 MR. ANG UDOM:

19 We sincerely apologize for not being able to provide the ER
20 number in French for the reason that we do not speak French, but
21 for the English version the ER number is 404462.

22 I would like now to proceed.

23 BY MR. ANG UDOM:

24 Q. Mr. Klan Fit, just now you just responded to my -- to the
25 question put by Mr. Son Arun that you were compelled by Om Vong

1 to join the revolution; is that true?

2 MR. KLAN FIT:

3 A. Yes, it is.

4 Q. In the record of interview, document D2447, Khmer ERN
5 00403459, I would like to read the portion of the statement as
6 cited:

7 [14.22.32]

8 "I joined the revolution in 1961 in Malik village, Malik commune
9 Bar Keo district, Rattanakiri province. Ta Vy, alias Ta Vong,
10 born in Kampot; Thorng Sy, alias Chan Deng;
11 Laotian national; Khamphy born in Veun Sai came to introduce me
12 and the other villagers.

13 I knew that it was the revolution, but did not know what
14 revolution it was or which party. Thorng Sy personally told me to
15 struggle and destroy the enemy. If you are angry with the enemy,
16 you must show solidarity. I did not know from whom Thorng Sy had
17 received this guideline instruction."

18 [14.23.51]

19 So in your statement, there is no sign that you was forced to
20 join the revolution; could you please tell the Court about this,
21 whether it is true?

22 A. Yes, it is, but these people educated me. Om Thorng Sy, alias
23 Chan Deng and Khamphy, Laotian were those who persuaded me to
24 join the revolution.

25 Q. In the same record of interview on the 8th of November 2009,

1 you indicated that no one forced you to join the revolution; is
2 that true?

3 [14.24.56]

4 A. I take that as a duress because he kept educating me,
5 convincing me to join the revolution and, for that reason, I have
6 not wanted to study, to write or read.

7 Q. In your civil party application dated 24th of June 2008, you
8 have not indicated that you were compelled to join the
9 revolution; is that so?

10 A. I already said just now that they came to me and convinced me
11 to join the revolution; otherwise, I would never know what
12 revolution was, and through their propaganda I was convinced and
13 I take that as a kind of coercive measure to compel me to join
14 the revolution.

15 [14.26.27]

16 Q. So by way of convincing you to join the revolution and you
17 treated as a kind of force and that you're compelled to join the
18 revolution; is that correct?

19 A. Yes, it is.

20 Q. Is it fair to say that you joined the revolutionary
21 voluntarily?

22 A. I think, in reality, I joined the revolution because I was
23 afraid.

24 Q. From 1961 through 1979, you had been a cadre of the Khmer
25 Rouge; is that true?

1 A. Indeed, I had been a cadre, but I just followed orders. I was
2 educated; I was persuaded and if I did not really join them I
3 could have been killed, for example, like Om Ya. Om Ya joined the
4 revolution from the very beginning when he -- when he was having
5 decent life, but then later on he died because of some certain
6 reasons, so it was useless to protest.

7 [14.28.22]

8 Q. During Kampuchea Pracheathipatai - rather, during the
9 Democratic Kampuchea regime, you had been promoted on three
10 occasions; is that true?

11 A. Yes, it is.

12 Q. In 1970, the Revolution appointed you as the chief of a
13 village; is that correct?

14 A. Yes, it is.

15 Q. In 1974, you were appointed as a commune chief of Ta Lav; is
16 that true?

17 A. Yes, it is.

18 Q. In 1976, you were appointed as the deputy chief of Sector 21;
19 is that correct?

20 A. Deputy secretary of the district, not sector.

21 Q. My apologies, yes, it -- deputy secretary of the district.

22 A. Ta Loeun (phonetic), Ta Ya, and other people appointed me. I
23 had refused to be appointed as the deputy secretary. It took me
24 three days to make this decision and I was warned that if I did
25 not want to be promoted I would be in big trouble. And finally I

1 had nothing but to consent to the appointment.

2 [14.30.49]

3 Q. When you were appointed as the deputy secretary of the
4 district, it was in 1976. Do you recollect when -- the location
5 where you were appointed as the deputy secretary of the district?

6 A. It was in Veun Sai.

7 Q. Om Vong was the one who appointed you as the deputy secretary
8 of the district; is that correct?

9 A. Yes, it is.

10 Q. Were all these positions are the positions that come with
11 responsibilities?

12 A. These people appointed me and guided me and they said although
13 I was appointed, they could still share the responsibilities.

14 Q. With such appointments, you had some people working under you.
15 Is that true?

16 A. No other people except those people: the chief of sector, Mr.
17 Thin who was the secretary of sector and also the chief of the
18 district at the same time.

19 [14.32.48]

20 Q. In your capacity as the village chief deputy secretary of the
21 district, did you have some subordinates, people who executed
22 your orders?

23 A. Yes, I did.

24 Q. So is it fair to say that the more senior position you had,
25 the more people or subordinates you recruited?

1 A. I had to manage the village or the commune chiefs, so that
2 they could educate the cooperatives.

3 Q. Thank you.

4 I now refer to document D22/42, ERN number in Khmer 00279574; ERN
5 in English-- My apologies, Your Honours. ERN in English again is
6 00346107.

7 If you would -- Your Honours, to allow my colleagues to show the
8 first paragraph which I would like to read -- and I'm going to
9 read only the first paragraph -- I quote:

10 "I am of the Kachak minority living in In Village, Ta Lav
11 District, Andoung Meas District, Rattanakiri Province. I used to
12 struggle in the forest with Pol Pot and Ieng Sary in Rattanakiri
13 Province to overthrow the Lon Nol regime. Especially before the
14 Lon Nol regime was overthrown, I used to exchange pigs and cows
15 for weapons with the Vietnamese along the border. In April 1975,
16 when Pol Pot force ceased Phnom Penh, Ieng Sary, the former
17 Deputy Prime Minister and the Minister of Foreign Affairs of the
18 Democratic Kampuchea, appointed me as the deputy secretary of
19 District 21 or Andoung Meas District to supervise the people
20 living there."

21 The information that Mr. Ieng Sary appointed you as the Deputy
22 Secretary of District 21 is not correct; it is true?

23 A. Yes, it is.

24 Q. Thank you. And you do not know personally that Mr. Ieng Sary
25 -- and I refer to the 17 April 1975 -- that Mr. Ieng Sary held a

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1 particular position. You did not know that, is this correct?

2 A. I was told -- or I heard that people said that Mr. Ieng Sary
3 was a zone committee.

4 Q. You heard -- you heard that Mr. Ieng Sary was a zone
5 committee?

6 A. Yes, and that was not Mr. Ieng Sary alone. I heard about Nuon
7 Chea and Om Pot who were also zone committees.

8 [14.39.08]

9 Q. So in April 1975, Mr. Ieng Sary was not the Deputy Prime
10 Minister or the Minister of Foreign Affairs; this is correct?

11 A. I do not know about that. I only knew that he was his own
12 committee.

13 Q. Let me ask you another question: How many times did you meet
14 Mr. Ieng Sary between nineteen -- or from the very beginning, how
15 many times did you meet Mr. Ieng Sary?

16 A. There were three times that I - that he called me to attend
17 the study sessions: one in Om Village, and there was a translator
18 whose name was Tin (phonetic); and for the second time, we had an
19 education session in Hay commune; and for the third time, it was
20 in Chay village. So these were the three times that I met him,
21 but I did not know whether he had held any other position or
22 whether he dealt with any other foreign affairs.

23 [14.40.42]

24 Q. At the time he was addressed, was he addressed by his formal
25 names or his revolutionary name?

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1 A. He was addressed as Bong Van or Ieng Sary. He had two names.
2 And as for Om Pot, he was also called Ta Pot. And for Khieu
3 Samphan, he was also-- As for Son Sen, he was also called Ta Kham
4 or Ta Khieu.

5 When the Americans bombed, they came out and we had K-9 and K-5,
6 and it was K-5 that we were working together.

7 [14.42.03]

8 M. LE PRÉSIDENT:

9 Mr. Counsel, you requested 30 minutes for your questioning, so
10 the Chamber would like to be informed as to how much time you
11 would want to finish your question.

12 MR. ANG UDOM:

13 Thank you, Mr. President. And my apologies also because this
14 might be caused by the fact that I was slow. I still only need to
15 defer to only one last document, and I may ask only three
16 questions, and I seek your leave to finish my questionings now.

17 [14.42.43]

18 And with your permission--

19 MR. PRESIDENT:

20 The Chamber allows.

21 BY MR. ANG UDOM:

22 Q. And now I refer to document D22/42.3 with ERN in English
23 00279568. And I would like to read the document in its entirety
24 before I put questions:

25 "Additional information related to Case 001 - in brackets - (18.7

1 2007 ECCC), dated on the 20th of September 2008.

2 "Early 1979, the Khmer Rouge arrested my friends who we meet
3 during the Khmer Rouge meeting.

4 "There were 10 of us:

5 "1) Klan Fit, I, myself, deputy chief of District 21, Andoung
6 Meas district;

7 "2) Romam Yun, regional deputy chief of Veun Sai district;

8 "3) Phung, regional deputy chief of District 15;

9 "4) Chea or Pha from Laos District Secretariat;

10 "5) Pay, District Secretariat 23;

11 "6) Bien, District Secretariat 22;

12 "7) Yam, District Secretariat, Siem Pang district;

13 "8) Chhom, chief of the Northeast soldiers;

14 "9) Tha Vorn from Laos, Stueng Traeng, regional deputy chief;

15 "10) Sovann, Siem Pang district's deputy chief.

16 [14.45.37]

17 "When I arrived to -- in Phnom Penh, the Khmer Rouge brought me
18 to a house where there was a king portrait surrounded by glass.

19 The Khmer Rouge asked each of us about our past and we were told
20 to do potato gardening. One month later, four of us -- Klan Fit,
21 Romam Yun, Phung and Chea -- were separated and were taken to Wat
22 Sleng Education Department, and the other six people were
23 arrested and taken to Tuol Sleng Prison and disappeared from
24 then.

25 "I would like to complain about the disappearance of my six

1 friends.

2 "Rattanakiri, 20th August 2008. Thumbprint: Klan Fit."

3 I would like to know about your journey to the Phnom Penh -- to
4 Phnom Penh in early 1979. I just want you to confirm whether you
5 did go to Phnom Penh during that time.

6 [14.47.09]

7 MR. KLAN FIT:

8 A. Yes, I did.

9 Q. Were you arrested and brought there or you were called upon to
10 go there?

11 A. The zone people called me there.

12 Q. Do you remember how many days did it take for you to arrive in
13 Phnom Penh?

14 A. I was waiting in Stueng Traeng. We were waiting until 12 of us
15 met up, and then Ta Kheng brought us to Phnom Penh.

16 Q. The 12 people, were they included those -- the -- those who
17 operated the boat?

18 A. They included me, myself, and other people from the East --
19 Northeast Zone.

20 Q. You said to the Khmer Rouge told each of you to make your
21 biography during the first -- the first one month and you were
22 also told to do potato gathering; is this true?

23 [14.48.33]

24 A. Yes, we were digging soils and grow chillies and eggplants.

25 Q. So you did that over a month and then you mentioned further

1 that one month later four of you were separated and taken to Wat
2 Sleng; is this true?

3 A. Yes, on one morning we were brought and we were told that we
4 were going to Wat Sleng and we were taken to Tuol Sleng and we
5 were farming rice there. And there were about 480 people there
6 and there were bombardments and there were trucks who came to
7 bring people out of the place.

8 [14.49.43]

9 Q. Can you clarify? You said you saw 400 people in Tuol Sleng
10 Prison; is this true?

11 A. They were at the rice field; they were harvesting the rice.
12 Those women whose husband -- whose husbands disappeared before
13 were brought to the rice field and there were children all over
14 the place who were crying. I went there on one morning. I felt so
15 pity on those people.

16 Q. At that time, you -- were -- you brought food Tuol Sleng
17 Prison?

18 A. No, I was not because the Vietnamese came -- the Vietnamese
19 came just in time; otherwise, I was killed there -- I would have
20 been killed there.

21 Q. So you never write in Tuol Sleng?

22 A. I was working at the rice field at Tuol Sleng.

23 MR. PRESIDENT:

24 Counsel, can you specify your question again. I'm afraid you are
25 mistaken the place. Now we are talking about Wat Sleng Prison and

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1 we also talking about Tuol Sleng - rather, we have Tuol Sleng
2 Prison and we have Wat Sleng, because a number of people who were
3 arrested were brought to Tuol Sleng Prison, but we have different
4 locations for Tuol Sleng and Wat Sleng. So to avoid any confusion
5 and to avoid any difficulty in answering your question, perhaps
6 counsel is advised to specify the exact location, whether you are
7 referring to Tuol Sleng Prison or Wat Sleng which is the -- which
8 was the Education Department.

9 [14.52.18]

10 MR. ANG UDOM:

11 Thank you, Mr. President, for your guidance.

12 I don't think I am mistaken, but Mr. Civil Party may be mistaken.
13 I was asking him whether he saw - whether he was brought to Tuol
14 Sleng Prison because he mentioned that he saw around 400 people
15 at Tuol Sleng; that was why I was asking him to clarify the
16 point.

17 MR. PRESIDENT:

18 Counsel for civil party?

19 MR. PICH ANG:

20 I would like to seek your leave, Mr. President, to allow Mr.
21 Barnabé to take the floor.

22 MR. PRESIDENT:

23 Yes, Counsel Barnabé.

24 [14.53.19]

25 MR. NEKUIE:

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1 Thank you, Mr. President. I think that my colleague ought to
2 review the answers he is receiving from the civil party. He is
3 describing how he was taken to the Wat Sleng Pagoda. The civil
4 party has no confusion about the two places. And the counsel
5 keeps asking him questions about Tuol Sleng, and I don't see why
6 he is insisting on this particular confusion. I think he ought to
7 have a closer look at his notes and then move onto another point.

8 Thank you, President.

9 [14.53.59]

10 MR. PRESIDENT:

11 Thank you, Counsel. However, the President of the Chamber has
12 already noted the points that you raised and informed the defence
13 counsel already and I don't think I am not clear on this point so
14 next time I don't think you don't have to stand up and talk about
15 the same thing that the Chamber has already noted.

16 BY MR. ANG UDOM:

17 Q. Thank you, Mr. President. My last question and I would like to
18 read: "One month later, four of us, Klan Fit, Romam Yun, Phung,
19 and Chea were separated and taken to Wat Sleng Education
20 Department." Is this true?

21 MR. KLAN FIT:

22 A. Yes. Wat Sleng was the place where people were cultivating the
23 rice. We were loaded on a truck and we were brought there and I
24 saw people were cultivating their rice. It was not Tuol Sleng.

25 [14.55.44]

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1 Q. And six other friends were arrested and taken to Tuol Sleng
2 Prison and disappeared since then; is this true?

3 A. I do not know about people being brought to Tuol Sleng Prison,
4 but when I was digging the soil people came and said this person
5 or that person was to be brought to somewhere and they never
6 returned; but I never knew that they were being brought to Tuol
7 Sleng or any other place.

8 Q. Is it fair to say that you, Mr. Klan Fit, was never brought
9 and detained at Tuol Sleng Prison?

10 A. Yes, it is. I was just brought to the meeting place and told
11 that the particular location was Tuol Sleng.

12 I was asked whether I was being happy when I came here, but I
13 said well, usually I should be happy, but this time I did not see
14 any people. I only saw those people who cooked food so I don't
15 think I was -- I am being happy; that's what I told them.

16 And they also asked me whether -- whether I could concur the
17 Vietnamese or not and I said it was not up to me because I was
18 not in charge of the soldiers; it was up to Angkar. I was simply
19 a person who just hold to dig soils or to do farming so it was
20 not up to me.

21 [14.57.59]

22 So I was there for about a few days before I was brought to the
23 place I told you earlier.

24 Q. Thank you, Mr. Klan Fit.

25 I just have one last important question, Mr. President, and my

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1 apology that I do not stick to the time. I just want to ask him
2 to clarify the point that he has raised.

3 And I refer again to document D22/42 and I would like to read the
4 document , or-- I'm not sure whether the President would like the
5 document to be displayed on the screen.

6 MR. PRESIDENT:

7 Is the document already on the screen? Perhaps you can have the
8 document on the screen and you can read.

9 [14.59.27]

10 MR. ANG UDOM:

11 (Microphone not activated)

12 MR. PRESIDENT:

13 Counsel, can you activate your mic before you speak?

14 MR. ANG UDOM:

15 I would like to read a point where it reads: "The 7th January
16 1979, at 6 a.m.--"

17 MR. PRESIDENT:

18 Can you pause? Are you referring to 1979 or to 2009? And please
19 activate your mic before you speak.

20 BY MR. ANG UDOM:

21 Q. My apology, Mr. President.

22 "The 7th January 1979, at 6 a.m., there was a pick up car with
23 two drivers, names unknown, coming to take me, Comrade Pha,
24 Comrade Khamphy, Comrade Phung to go up -- to get onto the car
25 and we were told that we were being brought to Tuol Sleng. Upon

1 arrival at Tuol Sleng, we saw some 400 people including men and
2 women and children."

3 And this is where I want to stop my reading.

4 And I want to ask Mr. Klan Fit: Mr. Klan Fit, so on the 7th of
5 January 1979, you did not go to Tuol Sleng; is this correct?

6 [15.01.30]

7 MR. KLAN FIT:

8 A. Yes, it is correct. I did not go there I went to Wat Sleng
9 where people were harvesting their rice.

10 MR. ANG UDOM:

11 I just would like to indicate the date again, in case I made a
12 mistake: it was on the 7th January 1979.

13 And thank you, Mr. President, and thank you, Mr. Klan Fit.

14 And I would like to read out the ERN number in English -- the
15 document I just read. It's 00346108.

16 Thank you, Mr. President.

17 MR. PRESIDENT:

18 Thank you, Counsel. Thank you, civil party Klan Fit.

19 Now it is appropriate for the Chamber to adjourn, and we will
20 take the 20-minute adjournment before we continue our
21 proceedings. The Court is now adjourned.

22 (Court recesses from 1502H to 1522H)

23 MR. PRESIDENT:

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

25 Mr. Ang Udom, we note you on your feet.

1 MR. ANG UDOM:

2 Thank you, Mr. President. May I allow two minutes to show two
3 documents? I have no further questions to put to the civil party
4 but I would just draw your attention because, during the time
5 when I asked him questions whether the interviews were made
6 jointly when Klan Fit and Romam Yun were questioned, he said no,
7 but I would like to draw the Court's attention that-- I would
8 like document D22/42.3, Khmer ERN 00279570, French 00279568, and
9 00702092.

10 [15.25.17]

11 Another document, D22/43.2, ERN Khmer 00279543, English ERN
12 00279545, French ERN 007558 - rather, 5585. We have noted that
13 the-

14 MR. PRESIDENT:

15 Please hold on. The International Co-Prosecutor, you may now
16 proceed.

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. President. Counsel Ang Udom just told us that he
19 no longer had any questions to put to the civil parties, so I do
20 not believe it is now the time to continue with this and to
21 produce documents before the Chamber. If he has finished asking
22 questions, we should stop here. Thank you.

23 [15.26.37]

24 MR. PRESIDENT:

25 The Chamber allows the counsel to present the final pieces of

1 documents without allowing the counsel indeed to put more
2 questions.

3 MR. ANG UDOM:

4 Thank you, Mr. President.

5 Document D22/43.2, as indicated, and document D22/43.3.

6 Having checked the writing and the dates on those documents-- And
7 the information contained on those pages are exactly the same
8 except the names. As I indicated, the name is- Romam Yun's name
9 has been found on D22/43.2 and document D22/42.3. First, Klan Fit
10 name appears and Romam Yun name also appears underneath.

11 I just would like to draw Your Honours' attention to these
12 documents, and how exactly the same information could be produced
13 and that whether the interviews could have taken place when the
14 two people were in -- were interviewed at the same time in the
15 same room.

16 And it is really important that the Court consider these because
17 we would like to avoid this issue from happening again in the
18 future.

19 Since the person who provided the statements do not read and
20 write, we don't know how they can really give accurate
21 information as stated.

22 [15.29.39]

23 MR. PRESIDENT:

24 Counsel for civil parties, you now may proceed.

25 MR. PICH ANG:

1 Thank you, Mr. President. Just now I was about to object to the
2 observation of the questions made by Mr. Ang Udom to Mr. Klan
3 Fit.

4 He described a bit on these documents and for me we feel that
5 this opportunity was dedicated for putting questions to the civil
6 party rather than elaborating or interpreting on the pieces of
7 documents, and this practice should be banned in the future if
8 possible.

9 [15.30.38]

10 MR. PRESIDENT:

11 Thank you, Counsel. As a counsel, you-- In your capacity here is
12 as a lawyer who is observing the proceeding and be ready to rise
13 and challenge to any statements made by your learned friend or
14 colleagues and that the Chamber, at the same time also is
15 listening or hearing the issues being put before this Chamber.
16 We have noted that the documents presented by counsel were
17 beneficial to their defence, and indeed the Chamber has been
18 prepared to stop parties from making any conclusion amid of the
19 session, but parties are allowed to make observations with regard
20 to the relevant evidence and facts, because by the end of the day
21 or during the closing statement session, their parties would be
22 allowed to make their closing arguments and conclusion.
23 And parties have already been advised that any objections that
24 have already been ruled on could never be raised again.

25 [15.32.27]

1 Any objections to the statements made by the expert or by civil
2 party are advised to be made by the end, when the opportunity of
3 closing statement be allowed.

4 We would like now to proceed to counsel for Khieu Samphan to put
5 questions to Mr. Klan Fit if they would wish to do so.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President.

8 Good afternoon, Your Honours and the Court.

9 As the counsel for Mr. Khieu Samphan, we do not wish to put any
10 questions to Mr. Klan Fit. Thank you very much.

11 [15.33.30]

12 MR. PRESIDENT:

13 Thank you, Counsel, for indicating your position. And it is a
14 different stance you indicated yesterday, though.

15 Mr. Klan Fit, the Chamber thanks you very much for your time and
16 testimonies, but before we conclude your session, we would like
17 to give you the opportunity to address your suffering and harms
18 you have incurred if you would wish to do so now.

19 MR. KLAN FIT:

20 I have nothing to talk about Om Khieu Samphan because I have
21 never met him in person, I only have heard about him.

22 MR. PRESIDENT:

23 The Chamber is not asking you about Mr. Khieu Samphan directly.

24 We would like you, in particular as a civil party, to express

25 your suffering and harms you have incurred during the Democratic

1 Kampuchea period. We just would like to know whether you would
2 wish to address the Court on these issues or not.

3 [15.35.44]

4 MR. KLAN FIT:

5 I do not wish to say anything here. I have only been told or I
6 have heard that the committee of the zones were comprised of the
7 four people as I already indicated.

8 MR. PRESIDENT:

9 Thank you, Mr. Klan Fit, for your time and for giving the
10 testimonies before this Chamber.

11 The session -- the hearing session on your testimonies has now
12 come to an end. The Chamber has no further questions to put to
13 you. Now you are free to go home. Since you have to travel a long
14 distance, the WESU unit is now advised to ensure that your travel
15 has been well managed and assisted.

16 And since we do not really have enough time to continue further
17 session, the Chamber decides that we shall adjourn this afternoon
18 session by now and that the following session will be resumed by
19 9.00, tomorrow.

20 Security personnels are now instructed to take the three accused
21 persons back to the detention facility and have them returned to
22 the courtroom by 9.00, tomorrow morning.

23 The Court is adjourned.

24 (Court adjourns at 1537H)

25