

Nuon Chea addresses the court for the first time since April

Nuon Chea Addresses the Court as the Chamber Hears Testimony of Two Witnesses
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Members of the Chamber were busy Wednesday, June 20, 2012 at the Extraordinary Chambers in the Courts of Cambodia (ECCC) as proceedings resumed in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary. Former Sambo Commune Chief Yun Kim began his second and last day of witness testimony, followed by the commencement of the reserve witness's examination in the afternoon. The accused Nuon Chea, however, created a midday stir when he made an unexpected request to address the Court. By the conclusion of the day's proceedings almost every member or counsel had contributed to some form of objection or examination within the Chamber.

Over 440 villagers from Kandal and Takeo provinces witnessed the day's activity; men, women, the elderly, and children – even a few monks – were present, 330 of them having arrived from Mukh Kampul district in Kandal province, the other 110 people arriving from Takeo. Although visitors generally attend either the morning or afternoon session, Wednesday's visitors watched proceedings well into the afternoon. Their extended stay proved fortuitous, since Nuon Chea made a rare announcement when proceedings resumed after lunch. He had not personally addressed the Chamber since April.

All members of the Chamber were present for the day's proceedings except Ieng Sary and his International Co-Lawyer Michael Karnavas. Although Ieng Sary had been given permission to participate in proceedings remotely from his holding cell, the Court Officer announced that Mr. Karnavas was absent "for no reason." He also informed the Court that reserve witness TCW 321 was in the waiting room, ready to be called to testify at the conclusion of Mr. Kim's testimony.

President Nonn then turned the floor over to National Civil Party Co-Lawyer Ven Pov to begin his examination of the witness Yun Kim.

Civil Party Begins Examination of Witness Yun Kim

Mr. Pov began his examination with a few questions about Mr. Kim's initial involvement with the Communist Party of Kampuchea (CPK).

Mr. Kim explained that he joined the CPK when Kratie province was liberated. Asked why he joined the party after Kratie was liberated, Mr. Kim replied, "If I didn't join the movement, I might have been in danger ... Because the movement was rather active at that time, I decided to join ... in order to protect myself and protect the people."

Mr. Pov inquired about the 1973 meeting with Nuon Chea that Mr. Kim had discussed during his testimony the day before. When Nuon Chea came to Dah Commune in 1973, Mr. Kim explained, his main objective was to teach the commune leaders how to establish mutual assistance groups.

Nuon Chea, he said, came alone; no other CPK leaders were present. Although Mr. Kim was unaware of Nuon Chea's specific role within the CPK, he said he was aware Nuon Chea was part of the "party center" or "supreme leadership of the party."

Nuon Chea, usually wearing dark sunglasses during Court proceedings, had removed the sunglasses, giving the public audience a rare look at the former CPK leader's face. Looking down at the table before him, he made eye contact with no one and kept his lips closed in a thin straight line.

Mr. Pov, proceeding with his examination, asked Mr. Kim to explain the difference between cooperatives and communes. Mr. Kim replied, "Cooperative means everything is communal and the benefits are shared. As for the commune, we work together and we eat together but without sharing the benefit."

Referring to one of Mr. Kim's statements during his interview with the Office of the Co-Investigating Judges (OCIJ) where he had said, "After the two cooperatives were established, they no longer talked about the commune," Mr. Pov asked the witness, "At that time was there still a commune chief or commune committee? Or did you carry both the role of commune chief and cooperative chief?"

Mr. Kim replied, "The chief of the commune was appointed as chief of the cooperative. There was no new commune chief, there was only a chief of the cooperative. And the village chiefs were each responsible for a target group."

“Was there a cooperative committee?” Mr. Pov followed. Mr. Kim replied, “When the commune became a cooperative, the commune committee became the cooperative committee.”

Mr. Kim informed the Court that he acted as a commune chief for Watanak commune then Sambo commune between March 4, 1971 and February 1977. In Watanak commune, he stated, only one cooperative was under his management. In Sambo commune, however, there were two cooperatives under his management, given the fact that Sambo was rather large.

Witness Yun Kim Discusses Moral Training Sessions and Permission to Travel

Mr. Pov reminded Mr. Kim of his testimony the day before regarding moral misconduct issues with women. Mr. Pov then asked if this was normal in his cooperative. Mr. Kim replied, “In my cooperative, when it comes to morale, I had no knowledge of young people committing these acts. There were some adults who committed such acts, but they were not arrested. They were just reeducated.”

“Did you ever go through any training course on morality?” Mr. Pov inquired. Mr. Kim said he did, “because this matter was important. It was vital because if it was breached it would violate the party’s policy.”

Next, Mr. Pov asked, “Did you have to ask for permission to travel?” Mr. Kim replied, “When the travel was necessary ... a letter had to be issued from the district level.” Mr. Kim could not recall making such trips, however, because he was too occupied with his role as a commune chief. “I missed my parents who lived in Krouch Chhmar,” he added, “but I never asked permission to visit them. It was very rare that a person would ask for permission to go anywhere. Before 1975 people would ask permission to go visit their parents, but after 1975 that was no longer the case ... This did not apply only to ordinary people. This also applied to the Cadres as well.”

Witness Yun Kim’s Knowledge of CPK leaders other than Nuon Chea

Acknowledging that Mr. Kim had already mentioned his familiarity with Nuon Chea, Mr. Pov proceeded to inquire about the witness’s knowledge of other party leaders.

“Do you know the roles of the senior leaders?” Mr. Pov inquired. Mr. Kim responded, “I know that Pol Pot was the party secretary.”

“What about Khieu Samphan after 1975?” Mr. Pov continued. Mr. Kim said, “Mr. Khieu Samphan, so far as I heard, was the Head of State of the CPK, but I cannot recollect the term they used back then.”

As for Ieng Sary, Mr. Kim replied, “I was told that Mr. Ieng Sary was the Minister of Foreign Affairs.”

National Civil Party Co-Lawyer Ven Pov Concludes his Examination of Witness Yun Kim after Asking about Authority to Arrest People

“In Sector 505, did you know if the military had the authority to arrest people who were perceived to be enemies?” Mr. Pov asked.

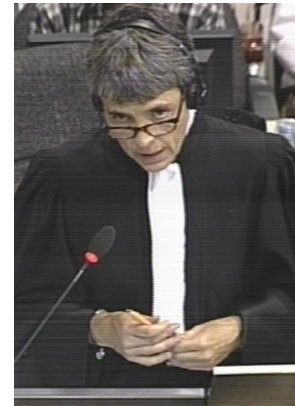
“The military had no role in the arrests. It was the security that was in charge of arresting people,” Mr. Kim explained. He continued, “The military had no authority to do so. They were expected to attack the enemies at the border when needed. That’s all.”

Mr. Pov completed his examination and handed the floor to International Civil Party Lead Co-Lawyer Elisabeth Simonneau Fort.

International Civil Party Lead Co-Lawyer Elisabeth Simonneau Fort Asks Witness Yun Kim about Communal Living Conditions

Thanking Mr. Kim for providing the court with so much information, Ms. Fort informed him she only had a few questions.

Regarding the living conditions of the people under Democratic Kampuchea (DK), Ms. Fort asked if he heard about poor living conditions in other cooperatives during his weekly meetings with other commune chiefs. “I could not grasp the situation of other communes,” Mr. Kim responded, but he informed the Court again that his people ate rice.



Ms. Fort rephrased her question. “Did you *hear* from other cooperative leaders whether there were problems with food?” she asked. Mr. Kim replied, “There was no report about food shortages from other communes during the meetings. However, as I said, in other cooperatives, people ate gruel, not rice.”

“Did you hear about strenuous working conditions in other cooperatives?” Ms. Fort asked.

“Yes,” Mr. Kim responded, “I heard about that. In Watanak commune after I left – I visited there occasionally – people told me the target group was rather strict. People were woken up at 3 a.m. and children slept on the rice dykes. Some people tried to force people to work harder. This is just an example,” he concluded.

“Did you hear about people who became ill?” Ms. Fort followed. “In Sambo district we did not experience such problems,” Mr. Kim replied. “People got sick not because of food rations, but because of other illnesses. In particular, malaria ... I myself was hospitalized due to malaria.”

Ms. Fort proceeded on. She asked the witness, after reminding him that he testified that cadre arrests occurred after they had been invited to party meetings, if he had discussed or heard discussion among others about the reasons for these arrests.

“I myself never discussed the arrests with any others,” Mr. Kim said. “Some of my friends actually disappeared ... We never expressed our concern that maybe next it would be our turn.”

“Why didn’t you speak about this?” Ms. Fort inquired.

“First, we were concerned,” Mr. Kim explained. “For example, if Mr. A was arrested and we talked about his arrest and the reasons for his arrest, we would start to mistrust one another. If there was a report that said we had talked about it, we would have put ourselves in danger. So we just did not talk about it.”

Next, Ms. Fort asked about the assigned marriages. “I did not know much about the weddings,” Mr. Kim responded, explaining that he had only attended a meeting where he heard of weddings performed in such a way. The system, he believed, was implemented simply to save time and resources.

However, smiling, Mr. Kim recalled, “Sometimes I organized a wedding ceremony and at most we had two couples who married. And sometimes we killed a cow for the celebration.”

Ms. Fort thus concluded her examination of Mr. Kim.

Judge Jean-Marc Lavergne Questions the Witness



Before turning the floor over to the defense to begin their cross-examination, President Nonn asked the members of the bench if they would like to put questions to the witness. Judge Jean-Marc Lavergne informed the Court that he had a couple questions for the witness.

Judge Lavergne proceeded to ask Mr. Kim a series of questions concerning the geographical location of Sambo commune, Sre Khoeun cooperative, and the B-3 work site.

After Mr. Kim listed the eight villages within Sambo commune at the time it was divided into two cooperatives, Sre Khoeun cooperative and Sambo cooperative, Judge Lavergne asked Mr. Kim if Sre Khoeun was also known as Keng Brasat.

“No,” Mr. Kim replied. “However it is part of Sre Khoeun cooperative. It is one of the four villages within Sre Khoeun cooperative.” Keng Brasat village, he added, was where Kok Kdouch security center was located. However, Mr. Kim explained, Kok Kdouch security center was not under the authority of Sre Khoeun cooperative, despite the fact that it was located there. The security center, he said, was under the control of the district.

“Who was in charge of Kok Kdouch security center?” Judge Lavergne asked. “I did not know the chief ... but previously it was under the supervision of Ung Samon ... but Kim Chorn replaced him ... Saroeun was also stationed there ... and later on Be Meng-An was the secretary,” Mr. Kim replied.

“Was the person who was the head of B-3 also the chief of Kok Kdouch?” Judge Lavergne inquired. “B-3 and Kok Kdouch were two different locations,” Mr. Kim responded. “Kok Kdouch was a security office for Sambo district. B-3, before it was converted to a youth work site, was a security center where cadres were gathered to be detained. So one location for the cooperative [Sre Khoeun] and one for the district,” he concluded

“So was Saroeun the person you succeeded?” Judge Lavergne asked. Mr. Kim corrected the Judge that “there was another person named *Sarin* who was the head of B-3.”

When asked about a person by the name of Pen, Mr. Kim explained, “Pen was my deputy at Sre Khoeun cooperative and he was also assigned to assist me when I worked as the head of B-3.”

“Can you please tell us the circumstances under which Pen died,” Judge Lavergne requested.

“When Pen was transferred and became the head of the Watanak cooperative, he remained there until the 7th of January 1979,” the witness explained. “He then returned to his village and was beaten to death by the people ... there were rumors that there were some revenge and that some belongings of people who were executed were left with him. So he was beaten to death when people came to collect the belongings of the deceased.”

“Can you please tell me when you arrived at B-3, who were the people living at B-3? Did they remain at B-3?” Judge Lavergne inquired.

Mr. Kim explained that B-3 was a location where members of the cooperative and district committees who were considered enemies were detained. It was not regarded as a security office but a re-correction camp. Mr. Kim said, “Those detained in B-3 were those who had not committed serious wrongdoings. They were there to be educated.” When B-3 was emptied, however, Mr. Kim admitted he had no idea where the detainees were taken.

Following the removal of the detained cadre leaders, Mr. Kim continued, a group of youths under the supervision of Sarin came to B-3 on April 17, 1978. However, Mr. Kim explained, because Sarin had a military background, his supervision was too harsh so Mr. Kim was appointed to replace him as chief of B-3.

“All together there was about 700 young people,” Mr. Kim added, but the 200 newcomers who arrived after he was appointed chief of B-3 only stayed at the work site for a few months before they were removed.

“Where did these young people come from?” Judge Lavergne inquired. Mr. Kim said that the 200 newcomers came from Tra Mong village in Memut district, Kampong Cham province. “I am not sure why they were transferred to my location,” he added, “but I know that Tra Mong was adjacent to the Vietnam border.”

Judge Lavergne then read to Mr. Kim a statement he had made in his OCIJ interview: ““These people were accused of being affiliated with the Vietnamese.””

“I only knew that they were living near the Cambodian Vietnamese border,” Mr. Kim explained. “I merely assumed that they had some sort of affiliation with the Vietnamese.”

Moving on, Judge Lavergne asked, “Was B-3 located in a village called Kekit in Sambo district?”

“The location was near Sre Vong village,” Mr. Kim replied. “It is partly in Kratie district and partly in Sambo district,” Mr. Kim explained, “so it was split half-half between these districts.”

“Were there any ethnic minorities in the Sambo commune?” Judge Lavergne inquired. “In Sambo commune there were only Khmer,” Mr. Kim said. “However, in Sambo district there were mainly minority groups.”

Nuon Chea’s International Co-Lawyer Andrew Ianuzzi Raises a Procedural Matter Concerning Judge Jean-Marc Lavergne’s Use of Witness Statements

When Judge Lavergne proceeded to read to Mr. Kim an excerpt from a document containing statements of an undisclosed witness, International Co-Lawyer for Nuon Chea Andrew Ianuzzi stood to address the Court.

“I have a request for clarification,” Mr. Ianuzzi announced. “Is this witness scheduled for testimony? As I understand, the rule in this chamber is that witness statements can only be presented if that witness is not coming to testify.”

“I am afraid I have to do a bit of research about this because I am not sure if the witness is on the list,” Judge Lavergne replied, shuffling the papers before him.

International Assistant Prosecutor Dale Lysak, however, addressed the Court and informed Judge Lavergne that the witness had not been selected to testify.

With that issue settled, Judge Lavergne proceeded to quote the following passage concerning a witness who had worked at the Sre Khoeun commune: “Between June and July 1976 they pulled me out to go to work in the cooperative in the village of Sre Khoeun. They had us work day and night ... there was no free time. In those days there were not yet any machines to mill rice. They used manpower ... the food was insufficient. We ate communally. Sometimes there was rice for one meal or gruel for one meal, that’s all. In late 1976 or early 1977 the new people came to the cooperative from various places. They became the majority. Some were sent from Sector 505 from the East ... When they arrived, they did not say anything. Some died from hunger ... some died due to lack of medicines.”

“Witness, what I have read out to you now, does this seem to correspond to what actually happened?”

“This statement of the witness is not that accurate,” Mr. Kim responded. After providing examples of incorrect facts concerning people mentioned in the statement, Mr. Kim concluded, “That statement, again, is not clear and accurate. So I cannot accept this statement, chiefly because I myself supervised the Sre Khoeun cooperative.”

Moving on, Judge Lavergne asked, “Did you note the presence of Cham people in your cooperative?” Mr. Kim responded, “I saw the Cham people evacuated to Watanak commune when I was the chief there. However, they were not classified differently from other people.”

Judge Lavergne proceeded to place another document before Mr. Kim; the document also contained a statement by an undisclosed witness. Before he could proceed to read from it, Mr. Ianuzzi interrupted the Court again with the same inquiry.

Mr. Lysak addressed the Court as well, informing the Court that the week before, “International Counsel for Nuon Chea requested to question one of the witnesses with a statement of a witness who was listed as coming to testify. And it was allowed.”

After a few additional comments from Mr. Ianuzzi and International Co-Lawyer for Khieu Samphan Arthur Vercken, Judge Lavergne informed the Court that the procedural confines that apply to the parties of the Chamber “are not identical to those that comprise this bench.” He then proceeded to read a statement from the unnamed witness, a Cham who was sent to live in Sambo village in Sambo district, Kratie province: ““We started working at 3:00 a.m. in the morning up until 11:00 a.m. ... then from 1:00 p.m. to 5:00 p.m. ... then from 6:00 p.m. to 9:00 p.m.””

“Is this statement an accurate reflection of your memory or did things occur otherwise?” Judge Lavergne asked Mr. Kim. Mr. Kim responded that he was unaware of Muslim Khmers who had evacuated to Sambo commune, but explained that no classifications of people existed in Sambo at the time. He also stated that he did not know people were forced to work such long hours.

Before concluding his examination, Judge Lavergne informed Mr. Kim of another document, a telegram sent to Brother Nuon and signed by Chhan that made reference to approximately 50,000 Muslims living in the Eastern Zone. He then returned the floor to President Nonn.

President Nonn Questions the Witness

Before permitting the defense counsel to proceed with their cross-examination, President Nonn also had a few questions for Mr. Kim.

“Did you ever receive tools or means of production from the upper levels?” President Nonn inquired. The witness explained that after 1975 there were plenty of production tools. Hoes and plows were available. Blacksmiths made machetes for them. They simply asked the district for some steel.

President Nonn asked about other materials, such as fabric. “Clothes were delivered to people – two sets of clothes were given to every person,” Mr. Kim stated. “There was a sewing group that was in charge of sewing clothes for the people in the cooperatives. There was also a group of weavers who were in charge of weaving the *kramas* or scarves for the cooperatives. However,” Mr. Kim added, “that only happened in the communes. When I came to B-3 these items had to be provided by the district committee.”

Witness Yun Kim Altered Production Reports to Keep Rice to Feed his People

President Nonn asked, “Did you ever receive orders from the upper echelon concerning the three ton hectare plan?” Mr. Kim responded, “We implemented the policy of competition by 1976, which was part of the first stage. It was part of each cooperative’s directive to produce three tons of rice per hectare. I also took part in this competition with other cooperatives.” Mr. Kim continued, “That year, in the whole district of Kratie, my commune won first place. Although we couldn’t produce three tons per hectare, we produced 143 buckets of rice. I reported to the district that we only produced 113 buckets of rice, let alone three tons. By doing so, I managed to gain some rice so the people didn’t have to eat porridge.”



Mr. Kim did state, however, that there were food shortages in some areas. “Let me give you an example,” he said. “The Chrouy Bantheay village had problems with food shortages. I noticed the problem and offered them some potatoes or bananas. We don’t know why it was difficult for them to have enough food although we had the same condition with land.”

President Nonn, having concluded his inquiry, adjourned the Chamber for lunch.

The Chamber Rules on Nuon Chea’s Defense Team’s Rule 87 Motion

Nuon Chea’s International Defense Counsel Andrew Ianuzzi raised a preliminary matter before putting questions to the witness. The matter concerned his request from the day before when he had asked for a ruling on the Rule 87 motion his team had submitted over the weekend. Mr. Ianuzzi inquired if the bench had made a decision.

After briefly convening with his fellow judges, President Nonn announced, “The Chamber will not respond to your request because the document you sought to submit is not actually new evidence. It was a decision regarding the process of the work done before the OCIJ.” He went on to inform Mr. Ianuzzi that such judicial documents could not be submitted as evidence to be used before the Chamber. To provide further clarification, President Nonn handed the floor to Judge Lavergne.

Judge Lavergne stated. “I believe that the specifications you gave were quite clear. In fact, what we should remember is that the decision you are referring to is not evidence and therefore is not subjected to the provisions of Rule 87. Rule 87 applies to evidence. However,” Judge Lavergne continued, “the Chamber will decide if the questions based on the decision that you are referring to are relevant and if they are not, well, the President will exercise his discretion to block any non-relevant questions. But of course you can refer to this document because it is in our procedures.”

“Thank you for that clarification,” Mr. Ianuzzi responded. “Obviously we disagree with the position put forward by the bench. We agree in the sense that none of that impeachment material is evidence. That’s what we’ve been saying all along. It’s not evidence as such. We were forced to comply with the procedures put in place by the Chamber with respect to Rule 87.4...”

President Nonn interrupted Mr. Ianuzzi, “We gave the floor to you to put questions to this witness. The matter has already been decided. You are not supposed to provide any more comments.” President Nonn concluded by advising Mr. Ianuzzi to “try and resist using this opportunity to make any other statements.”

“I know I’m not supposed to but I’m compelled to for the record,” Mr. Ianuzzi stated. “I am just stating my objection for the record. In that case, based on your ruling I will not be able to proceed with my cross-examination of this witness.”

Judge Silvia Cartwright addressed Mr. Ianuzzi, “Perhaps you misunderstand. The Court has not ruled that you may not refer to this document. You may refer to it. It has said it is not evidence. It is an order of the co-investigating judges. Therefore you may refer to it. Is that clear? Secondly,” Judge Cartwright continued, “the President will determine if you are putting questions to the witness based on this order of the co-investigating judges, if there is any relevance with respect to your questions. Is that clear?” she asked again.

“Quite frankly it is not clear to me,” Mr. Ianuzzi said.

“Well, in that case, you do what you wish. You either question the witness based on this document or you do not,” Judge Cartwright replied.

Mr. Ianuzzi explained, “My position would be that orders contain facts and facts could be evidence. This is why it is not clear to me. In any case, I will not proceed with my cross-examination. I will,” Mr. Ianuzzi announced suddenly, “turn over the floor to my client who wishes to make a few comments about the evacuation of Phnom Penh, one of the central issues in this case. So, I now cede my time to Mr. Nuon Chea.”

Nuon Chea’s International Defense Counsel Andrew Ianuzzi Cedes his Time to his Client

Both the Chamber and the public gallery appeared visibly agitated with Mr. Ianuzzi’s announcement that he was turning the floor over to his client, accused Nuon Chea. Mr. Lysak stood to address the Court. Mr. Lysak said, “I believe we’ve visited this issue before of the accused making comments. If Mr. Nuon Chea wishes to subject himself to examination on this issue, fine. But he should not use the questioning of the witness as an opportunity to get up and make comments himself.”

Ms. Fort stood and addressed the Court in agreement, “We have the same position ... Mr. Nuon Chea cannot use as he wishes Court time to make statements.”

Mr. Ianuzzi responded, “Mr. Nuon Chea is very much a part of his own defense. He is very much a part of this defense team. He wishes to make certain comments in response to the testimony that has been elicited. I don’t see why this Chamber would not be interested in hearing what he has to say in furtherance of getting at the truth, if that is indeed what we are here to do. Mr. Nuon Chea would like to make some comments and he is more than willing to have questions put to him. And we’ve got plenty of time today. As I said, I’m willing to cede my time.”

Mr. Lysak stood again and said, “If Mr. Nuon Chea will actually subject himself to questioning on this issue, that is another matter. But in terms of scheduling, I would suggest this should not happen in the middle of a witness’s testimony.”

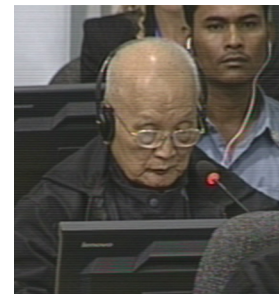
Ms. Fort agreed again. “We support the prosecutor,” she said on behalf of the civil parties. “If Mr. Nuon Chea wishes to answer questions, no problem. But maybe it is not the right moment,” she concluded.

Mr. Ianuzzi responded, “Logically it makes imminent sense to do it now, during testimony of the witness to which he will be replying and making comments. I don’t see why we should wait until this witness is gone. It has to do with his testimony. It has to do with the things he said. He’s here. We’re all here. We have the time. It makes sense to do it now.”

President Nonn, after convening with the judges for a few minutes, announced, “The Chamber allows him to put questions to the witness through the President of the Chamber.” Before turning on Nuon Chea’s microphone and giving him permission to speak, President Nonn informed the witness that he was not to respond to any questions until given direct permission by the judges of the bench.

Accused Nuon Chea Addresses the Court

Accused Nuon Chea, for the first time since the middle of April, addressed the court, wearing silver rimmed spectacles.



In a strong voice, he began, “My respect to my compatriots. My respect to Mr. President. I would like to talk about the forced evacuation of people. I would like to make some responses to the testimony of this witness and for the witnesses so far that have been heard in regards to the evacuation of people. Mr. Witness has provided some reasonable reasons for the evacuation of people from cities, that is to avoid the bombardment by the United States and the starvation and the internal wars. However, many of the witnesses do not know the real reasons, or more reasons than that, which it does seem to show that the means of the evacuation was ill intended. I would like to make the following responses. First of all, I would like to state that we are the war losers and we have been accused of forced evacuations of people. However, the current activities are not inappropriate if compared to the evacuation conducted after the 17th of April 1975. I would like to make my statements to the poor people who have been oppressed, who have been persecuted, and who have been robbed of their lives by the rich and the powerful who are robbing their farmland and rice fields ... ”

“Your statement is far and further from the proceedings before us,” President Nonn interrupted. “The Chamber will not allow you to make any statement outside the facts relevant knowledge to the witness ... You will not be allowed to use this opportunity for your own wishes ... Do you have any questions to put to the witness in regards to the facts outlined in Case 002 or relevant to the knowledge of this witness who you have been listening to for one and a half days?”

Accused Nuon Chea responded, “I would like to talk about the evacuation of people.”

President Nonn interrupted him again and cut off his microphone, telling him “If you do not have any questions then you will not be allowed to speak.” However, accused Nuon Chea continued to address the bench. Although President Nonn had turned off his microphone, his words echoed across the Chamber into the active microphone before President Nonn.

Although accused Nuon Chea’s words were no longer translated into English and French, the villagers looking on from the public gallery were still able to hear and understand him. Some looked and listened, appearing fascinated. Some whispered to the villagers next to them.

“Mr. Nuon Chea, you are not allowed to speak anymore.” President Nonn announced.

Nuon Chea’s other International Defense Co-Lawyer Michiel Pestman stood to address the Court. “Mr. President, the words of my client were not translated into English. Maybe it is possible to ask for a translation now. I think it is relevant that everyone who doesn’t speak Khmer knows what my client said, especially as your response was translated,” Mr. Pestman requested.

“Your client is not allowed to speak,” President Nonn replied.

“But again, Mr. President, I don’t know what my client said,” Mr. Pestman replied. “It was not translated and I believe that – for the International Judges as well – it would be useful to be translated. Now all we know are your words which were said to my client which I did not understand ... I want to know what my client said,” Mr. Pestman concluded.

President Nonn responded, “Counsel, if you cannot understand what he spoke just then, you should consult with your national counsel. Do you have questions to put to this witness?” President Nonn inquired.

Mr. Pestman informed the Chamber that his national co-counsel had a few questions to put to the witness. Before sitting down, he informed the Court that Nuon Chea requested permission to return to his holding cell as usual, where he could participate remotely for the rest of the day. “I don’t see any reason why my client should stay in court, certainly if he is not allowed to speak,” Mr. Pestman concluded.

President Nonn subsequently addressed the accused. “Mr. Nuon Chea, is it your request to follow the proceedings from your holding cell downstairs?”

“Yes that is correct. If I am not allowed to speak then I would like to go to the holding cell downstairs,” Nuon Chea replied. President Nonn granted him permission to do so.

Nuon Chea’s National Co-Lawyer Son Arun Questions Witness Yun Kim about Monks and American Bombardments

With the drama of the afternoon having subsided, Nuon Chea’s National Co-Lawyer Son Arun proceeded to question Mr. Kim, who had been watching in silence. With his customary notepad

and silver spectacles, Mr. Arun began by asking the witness to explain why monks were disrobed in his region.

Mr. Kim replied, "In 1976 in each pagoda monks were disrobed. And it was confirmed by the authorities of Democratic Kampuchea." The revolution had to be done at once, he explained, and religion had to be dispelled during the revolution. "We wanted to avoid doing things repeatedly like in China," he explained, "where there was a revolution and then later a cultural revolution."

Mr. Arun asked Mr. Kim if Nuon Chea discussed the enemy situation during the meeting in 1973. "We were told of American enemies, the Vietnamese, and internal enemies," Mr. Kim replied. "It was routine that when the enemies were the subject of discussion they would be divided in those categories."

"Did you meet Nuon Chea at a later date?" Mr. Arun inquired. Mr. Kim said he met no other leaders other than Nuon Chea, who he only met at the 1973 meeting. "When I met Nuon Chea it was at a seminar and he was on the stage. We were sitting in the hall at a table ... there were commune chiefs from three districts ... so there were not many people attending."

"So you never talked to him?" Mr. Arun followed. "Yes, that is correct," Mr. Kim replied.

"What was your impression of Nuon Chea? Was he a mean person? Was he barbaric? A person who intended people to be executed? Or was he a gentle person, a person with respect?" Mr. Arun asked.

Mr. Kim responded, "He was a good person as a leader. Because, in his words he put in the instructions, he would like us as cadres to be 'good cadres' and that we had to 'engage with the people to know the people.'"

"Did you ever witness the bombardments by the Americans?" Mr. Arun asked. Mr. Kim said he did not, but he had heard of the bombardments many times. "In 1972," he elaborated, "it was difficult to find any bridge in Kratie province that was intact because they had all been destroyed by the bombardments." He then provided many examples of bombs that had been dropped in various locations across Kratie. Though he never witnessed bombs being dropped, he recalled hearing the planes fly overhead and drop bombs very far away.

Asked to describe the situation of the country before the Vietnamese invaded in January 1979, Mr. Kim explained that he was at Dong Tong village with thirty families of new people. He said he witnessed the aerial bombardments and thus fled the village with the families. The next day, Mr. Kim continued, he saw the Vietnamese. He described, "We were not happy or sad. The feeling was rather mixed." Mr. Kim informed the Court that he was later arrested by Vietnamese forces and detained for five months in Vietnam.

Mr. Arun thus concluded his examination.

Ieng Sary's National Co-Lawyer took control of the floor. He thanked Mr. Kim for his testimony on behalf of his client, Ieng Sary and informed the Court that he had no questions.

Witness Yun Kim’s Testimony Concludes with Questions from International Co-Lawyer for Khieu Samphan Arthur Vercken on Mr. Kim’s Joining of the Revolution



International Co-Lawyer for Khieu Samphan Arthur Vercken announced he had only two or three questions.

He informed Mr. Kim that he had “a question of curiosity regarding your joining the revolution.” Mr. Kim explained that he joined the revolution after the Lon Nol forces came to power in 1970. He joined the revolution, he added, of his own free will. When a Khmer Rouge group came to nearby villages in 1971, he met Chat, who gave him a few books and told him to read them. After a few more meetings, Mr. Kim continued, he was assigned as commune Chief of Watanak commune.

Mr. Kim explained that he decided to join the revolution to discover more things about it, so he could learn things. “Of course,” he said, “I had to be very careful.” He also befriended the heads of the military divisions 810 and 920. So by the time they came to make arrests, Mr. Kim stated, he was spared.

Mr. Vercken informed the Court that he had concluded his examination.

President Nonn subsequently thanked Mr. Kim and informed him that his testimony before the Chamber had concluded. He announced that testimony of reserve witness TWC 321 would commence after the afternoon adjournment.

Witness Khiev Neou, Former Buddhist Monk And Friend of Ta Mok, Begins Testimony

President Nonn requested that the reserve witness be brought into the Chamber as soon as proceedings resumed.

“What is your name?” President Nonn inquired. “Could you please repeat the question?” the witness asked, smiling.

The witness said his name was Khiev Neou. When asked his date of birth, he responded, “I don’t know the French way of saying the date. I was born on Saturday,” he said, and then informed the Court he was 79 years old.

When asked about his occupation, Mr. Neou responded, “I have nothing much to do. I look after my five children and also assist people at the pagoda.” His wife’s name was Ngin Oean and they had six children.

Mr. Neou then confirmed he had no connection to any of the parties to the proceedings and that he had taken an oath in front of the Lord of the Iron Fist. He recalled being interviewed by the OCIJ twice in Anlong Veng district, but was unable to recall the dates of the interviews. Mr. Neou said his responses from the interview had been read to him recently, but informed the

Chamber, “I still feel the record was not really fully accurate.” However, when President Nonn sought further inquiry, Mr. Neou responded that only a few portions were incorrect.

Mr. Udom interrupted, asking why a duty counsel was not present to assist the witness.

“The witness has asserted that he does not need a duty counsel,” President Nonn replied. Concluding his preliminary questioning, President Nonn handed the floor to National Senior Assistant Prosecutor Veng Huot to begin his examination.

Prosecution Commences Examination of Witness Khiev Neou

Mr. Huot, referring to Mr. Neou’s statements from his OCIJ interviews, asked Mr. Neou about his history with Ta Mok, specifically the time Mr. Neou spent with him at pagodas.



*Nuon Chea during a lecture to Khmer Rouge cadres (from left to right, first row Vorn Vet, Ta Mok, unknown, Ke Pok, second row Khieu Samphan, unknown, Ieng Sary, Son Sen)
(Source: Documentation Center of Cambodia)*

“He had been a monk for about ten years,” Mr. Neou replied. However, he was later disrobed and started a family, Mr. Neou added. At the time, however, Mr. Neou was a little boy and he had difficulty recalling the exact years these events occurred. He guessed that this occurred sometime in the 1940s.

“What happened to you after the 17th of April, 1975?” Mr. Huot asked.

“Monks from Phnom Penh and Takeo gathered and we heard that Ankar instructed us to leave the monkhood. And then I did,” Mr. Neou responded.

“After the 17th of April, 1975, could ordinary people practice their religion?” Mr. Huot inquired. “They could do it to a limited degree,” Mr. Neou responded, “but that applied only to Tramkok district, because I only knew about that.”

“Were the monks allowed to maintain the monkhood?”

Mr. Neou replied, “When I left the monkhood, there were still many monks left at the pagoda ... later on, I did not know whether the remaining monks left the monkhood. I refer to the two pagodas in the Tramkok district.”

Regarding the evacuation of the Tramkok people, Mr. Huot asked, “Can you tell the Court what you saw at the time?”

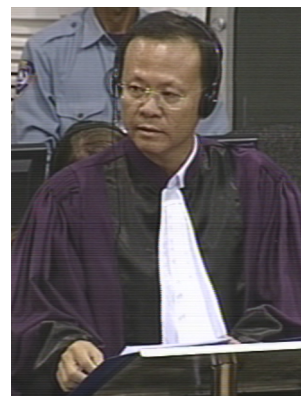
“I saw the movement from Champa pagoda to another pagoda,” Mr. Neou explained, “but regarding the movement from Phnom Penh or Takeo I was only told of that event. I did not witness it myself.” Mr. Neou went on to explain that he heard of the Phnom Penh evacuation from relatives who had fled the city. “Thousands of people were evacuated,” he said, “You could see crowds of people everywhere.”

“Did you see the sick or elderly?” Mr. Huot inquired.

“I did not go and inspect every place,” Mr. Neou responded.

When asked if he knew who established the cooperatives, Mr. Neou replied, “In general, we were not politicians or spies. We knew the word ‘Ankar.’ We did not know who Ankar was.”

Mr. Huot informed President Nonn that he had concluded his examination.



Noticing that it was time for proceedings to come to a close, President Nonn informed Mr. Neou that his testimony had not yet ended and instructed him to return to the Chamber for further examination the following day, Thursday, June 21, 2012 at 9:00 a.m. President Nonn then adjourned the Chamber.