



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 27-Jun-2012, 14:47
CMS/CFO:.....
Uch Arun

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 June 2012

Trial Day 78

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

The Accused: NUON Chea
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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. KHIEV NEOU (TCW-321)	Khmer
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MR. NEKUIE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Before we hand over the floor to the Prosecution, Mr. Duch Phary,

6 could you please report the participation of the parties and the

7 individuals summoned by the Trial Chamber?

8 THE GREFFIER:

9 Mr. President, all parties to the proceeding are present, except

10 international defence counsel for Ieng Sary -- that is Michael

11 Karnavas -- who is absent with no reason.

12 [09.01.49]

13 As for the accused Ieng Sary, he is present in the holding cell

14 downstairs.

15 The accused Ieng Sary, through his counsel, requests to waive his

16 direct presence in the courtroom for the entire day proceeding.

17 The letter of waiver has been delivered to the greffier.

18 MR. PRESIDENT:

19 Thank you.

20 The Chamber has received the request by Ieng Sary, dated 21st

21 June 2012, through his counsel, to waive his personal presence in

22 the courtroom and, instead, request to follow the proceedings

23 through audio-visual means for the proceedings throughout today

24 due to his health, that he cannot sit for long in the courtroom,

25 based also on the recommendation of the treating doctor of the

2

1 Accused, who recommends that for today's proceeding, the Accused
2 should be allowed to follow it through audio-visual means, as he
3 is getting fatigued easily when he goes up and down the stairs
4 and that he cannot sit for long.

5 [09.03.21]

6 And the Chamber is of the view that, as Mr. Ieng Sary already
7 requested to waive his direct presence in the courtroom and,
8 instead, to follow it in the holding cell downstairs through
9 audio-visual means, that he could have a communication directly
10 with his counsel, the Chamber agrees to the request made by the
11 accused Ieng Sary to waive his personal presence and that he's
12 allowed to follow the proceedings through audio-visual means in
13 the holding cell downstairs for the entire day proceeding.

14 The AV Unit, you're instructed to link the proceeding to the
15 holding cell downstairs for the entire day.

16 The floor is now given to the Prosecution to continue questioning
17 this witness. You may proceed.

18 QUESTIONING BY MR. ABDULHAK:

19 Thank you, Mr. President. Good morning, Your Honours. Good
20 morning, Counsel.

21 [09.04.33]

22 Good morning, Mr. Khiev Neou. Thank you very much for coming back
23 to testify. We appreciate you've -- you've travelled a long way
24 to be here at the Court, and we're grateful for your efforts in
25 helping the Court find the truth.

3

1 Q. What I would like to do is ask you one or two very brief
2 questions about the period before April 1975, just to clarify a
3 couple of your answers, and then move on to the events that you
4 saw from '75 to '79.

5 You told us, I believe, that you were originally from Trapeang
6 Thum commune; is that -- is that correct?

7 MR. KHIEV NEOU:

8 A. Yes, that is correct. I was from Trapeang Thum.

9 [09.05.47]

10 Q. Thank you. And just so we understand, is there a difference
11 between Trapeang Thum Tboung commune and Trapeang Thum Cheung
12 commune? Are they two different communes?

13 A. I apologize if I made an improper statement or speech
14 yesterday to the President and I'd like to make amendments to the
15 point that I miss or that I misunderstood yesterday due to my
16 poor health, and that I have insomnia, and I have so many things
17 on my mind, and I could not concentrate fully, and sometimes I
18 might speak up and down in circle.

19 Could you please repeat your question so that I can respond it
20 appropriately?

21 Q. Of course. Thank you. Please, do feel free to tell us if
22 you're not -- if you don't understand any question.

23 I understand there are two communes with a very similar name, one
24 called Trapeang Thum Tboung, and then another one called Trapeang
25 Thum Cheung commune. Which of these two communes did you grow up

1 in?

2 [09.07.45]

3 A. Allow me to elaborate.

4 When I was born, Trapeang Thum commune existed in only one form.

5 Later on, it was divided into two, it was split by a road and it

6 was called Trapeang Thum Tboung, or the South Trapeang Thum, and

7 then Trapeang Thum Cheung, or the North Trapeang Thum commune, so

8 that Tboung and Cheung refers to the North and the South

9 directions.

10 And my native village is currently located at the Khum -- at the

11 Trapeang Thum Tboung commune, or the South Trapeang Thum.

12 Q. Thank you very much for that comprehensive answer.

13 And just one more question on that period: Was Ta Mok also from

14 this commune or from another part of the -- of the area?

15 A. His birthplace is at the Trapeang Thum commune, which is

16 currently also the Trapeang Thum Tboung commune. It is not at the

17 North Trapeang Thum commune.

18 [09.09.17]

19 Q. Thank you.

20 And we'll fast forward to April 1975 just to follow up on some of

21 your answers yesterday. You told us that monks from Takeo and

22 Phnom Penh were brought to or came to a pagoda in April 1975. Do

23 you recall the name of that pagoda?

24 A. The pagoda named Angk Roka. I was then a monk and I stayed in

25 that Angk Roka Pagoda as well. So the monks gathered at that

1 pagoda.

2 Q. I'm particularly interested in when it was that -- that you
3 came to the pagoda. Did you arrive there on the 17th of April, or
4 after that, or before that?

5 A. I arrived there before that. Previously, I was at the Trapeang
6 Thum Pagoda, and then I went to stay at the Angk Roka Pagoda. And
7 not long after, when the war was ended, monks arrived at that
8 Angk Roka Pagoda, but I was there before the other monks arrived.

9 [09.11.18]

10 Q. Thank you. And why was it that you went from your local pagoda
11 to the Angk Roka Pagoda?

12 A. At that time, people told that Angkar required us to go and
13 stay at the Angk Roka Pagoda. I could not remember the names of
14 the individuals, but they were representing Angkar when they gave
15 us that instruction.

16 Q. So, if I understand your answer correctly -- and please do
17 correct me if I'm wrong -- sometime before the 17th of April,
18 monks from a number of pagodas were told to come to Angkar --
19 sorry to Angk Roka Pagoda?

20 A. Regarding the rest of the monks, I could not know, but we all
21 went to pagodas. And when I arrived there, there were other monks
22 arriving at that pagoda as well.

23 [09.12.56]

24 Q. And just one more question on your arrival at the pagoda. You
25 don't recall who it was that -- that told you to go to Angk Roka.

6

1 But did you have to go to Angk Roka or, if you chose to stay at
2 your local pagoda, could you have stayed?

3 A. I did not think about that at the time because at that time
4 everybody was very careful, and when we were asked to do, we just
5 went.

6 Also, I'd like to add that when I was young and going through the
7 various stages of war, we had been told that we should plant the
8 kapok tree -- it means we shall keep silent on other matters and
9 just mind our own business. And that was not the only occasion;
10 that had been a practice and instructions from a long, long time
11 ago. This is a little bit off the question, but it is also
12 related to that situation.

13 [09.14.37]

14 Q. The people that told you to go to Angk Roka, as far as you
15 remember, which -- who did they belong to -- which organization?
16 Were they from the Khmer Republic regime or were they from the
17 Khmer Rouge or some other group?

18 A. They were from the Khmer Rouge Revolutionary Movement and they
19 were also known as the Front.

20 Q. Thank you.

21 Okay, so we'll move to the days -- 17th of April and following.

22 Do you recall how many monks came to join you from Phnom Penh and
23 Takeo?

24 A. I could not know the numbers of the monks, as I was not
25 responsible for that, but there were many monks, and I greeted

7

1 some of the monks whom I knew. But as to the exact number, no, I
2 did not know. I am neither a historian nor the one who considered
3 such information at the time.

4 [09.16.31]

5 Q. Thank you. Thank you. Please, feel free just to tell us those
6 things that you observed or experienced personally.

7 Did you know who brought these monks to Angk Roka? Did they come
8 voluntarily, or did anyone tell them that they had to go there?

9 A. I could not know the details of this matter. When we met and
10 spoke, everybody just talked to one another and said that we were
11 all instructed by Angkar to go to that pagoda.

12 Q. Thank you. And what happened after you were all gathered at
13 the pagoda?

14 A. We had to prepare ourselves to leave the monkhood, and as a
15 result, I left the monkhood among many other monks. There were
16 quite a large number of monks, but I could not tell you exactly
17 the exact number.

18 [09.18.26]

19 Q. Thank you. When you said you had to prepare to leave monkhood,
20 why did you feel that you had to -- that you had to leave
21 monkhood?

22 A. As I stated earlier, that we should only mind our own business
23 and we should plant the kapok tree so that we would live in a
24 peaceful life. So we did not really ask or inquire much about the
25 instruction; when we were told to leave the monkhood, we just

1 followed it and we left the monkhood.

2 Q. Thank you. I think my question was not very clear, but you've
3 answered it.

4 Do you recall who it was that -- that gave you the instruction to
5 leave monkhood?

6 A. I cannot recall the names of individuals. However, they used
7 the word "Angkar" to -- that they were representatives of Angkar.
8 But it is my observation. They were the local militia, or the one
9 who gave us the instructions that they represented Angkar and to
10 convey that instruction to us, although I am not a hundred per
11 cent sure.

12 [09.20.28]

13 Q. And just to avoid any -- any doubts, when you say "local
14 militias", are you referring to Khmer Rouge people or some other
15 group?

16 A. I refer to Angkar -- it means the Front. Because at that time
17 the war already ended, and the Phnom Penh residents already left
18 the city, so that was the only group remaining.

19 Q. At this point in time, if I understand your statements
20 correctly, you had been a monk for over 15 years. How did you
21 feel about having to leave monkhood?

22 A. I had been a monk not only 15 years, but for 25 years, since
23 Cambodia was still under the French Colony -- that is, in 1954 --
24 and from then on until 1975, the period that you are referring
25 to. And, of course, Buddhism had rooted deeply in the Kampuchean

1 society. Of course, we tried to practice Buddhism, but if we were
2 not allowed to -- to do so, then we had to comply with them. At
3 that time, I was 42 years old.

4 [09.23.00]

5 Q. You said to us earlier that many monks, including yourself,
6 disrobed at Angk Roka Pagoda. What happened to those who didn't
7 disrobe?

8 A. You used the word "if". And I did not think about that at the
9 time. When we were ordered to disrobe, we just did that so we
10 could survive; we did not think much of the rest.

11 Q. But were you able to observe, for those monks who didn't
12 disrobe, what they did? Were they able to continue as monks?

13 A. During that time, I did not notice any senior monk or novice
14 monk objected to the -- disrobe.

15 Q. So, just to then clarify, does that mean that all monks
16 disrobed at Angk Roka?

17 A. From what I knew, when I was told, I just did that and I did
18 not see anybody objecting to that instruction. So what we were
19 instructed to do, we just complied with the instruction.

20 [09.25.30]

21 Q. Just a couple more brief questions on that topic.

22 After you disrobed, as far as you knew, were there any monks
23 remaining in the region or did all the monks that you knew and
24 saw disrobe?

25 A. You are referring to a pagoda. Which pagoda are you referring

1 to?

2 Q. In your statement, you talked about Angk Roka Pagoda and you
3 talked about Phchum (phonetic) Chrum Pagoda, in Samraong commune.

4 A. Let me say this. Previously, I referred to the Phchek Chrum
5 Pagoda. Actually, after I left, I was told that the remaining men
6 were instructed to go and stay at Phchek Chrum Pagoda; but at
7 that time I already left the pagoda where I stayed.

8 Q. Thank you. And did you ever hear anything about those monks
9 that went to the Phchek Chrum Pagoda?

10 [09.27.39]

11 A. It was kind of a third-hand information; as I heard it from
12 somebody who was told by somebody else. I was told that a name --
13 that there was a monk there named Ang. He was from Kiri Vong. And
14 the information that I heard, it was later on -- it means I met
15 someone from Kiri Vong, about five years ago, who told me that
16 that monk was instructed to disrobe but he resisted, so he hanged
17 himself. And I learned that only recently, when I met that person
18 from Kiri Vong, when I came to Phnom Penh. So that information
19 came to me at a very later stage.

20 Q. Thank you.

21 Moving on from the issue of monks, you told my colleague
22 yesterday that after the 17th of April, people could practice
23 their religion "to a limited degree". Could you describe for us
24 how it was that practice of religion was limited for the people
25 after April 1975?

11

1 A. The limited practice refer to the fact that monks were still
2 staying at the Phchek Chrum Pagoda, and villagers could be able
3 to go to that pagoda and offer the monks food before all the
4 monks there disrobed. And that's the limitation that I referred
5 to.

6 [09.29.49]

7 Q. Thank you. I know this was a long time ago, but do you recall
8 how long it was after April '75 that people could still go to
9 Chrum -- Phchek Chrum Pagoda?

10 A. I think we can't set the exact day, but I -- it was about one
11 year after that, maybe two years, but -- less than two years, I
12 believe.

13 Q. And do I understand your previous answer to mean that after
14 that one year, those remaining monks disrobed and -- and people
15 could no longer go to the pagoda? Is that accurate?

16 A. Could you please repeat that question?

17 Q. You said to us that the practice of religion was limited
18 because, approximately one year after April '75, the monks at
19 Phchek Chrum Pagoda had disrobed. I just wanted to confirm that I
20 understood that correctly, that it was about one year after April
21 '75, the monks at that pagoda disrobed, and people could no
22 longer go to see them.

23 [09.31.56]

24 A. To put it simply, without monks, how could people go to pagoda
25 -- what was the point of going to the pagoda without monks?

12

1 Because, normally, Buddhists went to the pagodas because there
2 were monks. Otherwise, they would go there only to see the empty
3 pagoda. That's what I think you can imply from that.

4 Q. Thank you. Just one or two questions on other aspects of
5 Buddhism.

6 People couldn't go and see monks, but could they -- as far as you
7 knew, could they, otherwise, practice their religion in their
8 homes or with their families?

9 [09.33.08]

10 A. I, personally, still practice Buddhism. I have been practicing
11 Buddhism since I first was ordained and I never have to tell
12 anybody about this. Only recently that I talked about this to
13 others, but people know that I am still practicing -- or have
14 been practicing these Buddha's principle and belief for -- all
15 along, because I did that secretly and no one could know Buddhism
16 I practiced. But I never noted people practiced the religion in
17 the open during that time. It is only in my case that I still
18 maintain -- I still practice the -- the religion. And also I
19 learned that other people also practiced the religion secretly.

20 Q. Last question on that topic: Why was it that you practiced
21 your religion secretly?

22 A. I think there is no much reason behind this; I am just
23 faithful in Buddhism. I have good faith in Buddhism and I am
24 convinced that Buddhism is one of the best religions in the
25 world. There are hundred books concerning the Buddhism, and

13

1 Buddhist dharmas were translated into many books by Supreme
2 Patriarch like Chuon Nath, so we actually were not just convinced
3 by reading the books, but we also are convinced by the fact that
4 we have learnt and we have witnessed in our daily life.

5 [09.35.56]

6 Q. Let me just clarify that question. And thank you for the
7 answer.

8 My question was simply: Why -- was there a reason that you didn't
9 practice in open? Of course, you wanted to continue practicing
10 your religion. But why could you not practice it in the open?

11 A. Again, all monks were defrocked; how could we contest? How
12 could we practice this religion in the open if there was no monk
13 left? Everyone had abandoned it already, so I had no gut to do
14 that in the open.

15 Q. Thank you.

16 In your district, Tram Kak, were there any Cham communities?

17 A. I'm not sure. However, I know that there were a few Chams at
18 Dam Daek -- or Dam Daek Chams -- I think they worked as
19 blacksmiths -- but there was not a huge community of Chams, no.

20 [09.38.05]

21 Khmer children were sold to the Chams, Chams who located to the
22 east of the pagoda. That's what I know.

23 Q. You said to us that monks disrobed, and Buddhism was no longer
24 practiced openly. What happened with the Chams and Muslim
25 religion? Were they able to practice their religion?

14

1 A. I am not aware of this. Officially, I don't know.
2 However, please be more precise and be clear on this, that I
3 heard in Khmer that monks were defrocked. Indeed, they just left
4 monkhood voluntarily, and there was no such arrest or coercive
5 measures for monks to -- to be defrocked.

6 Q. Those Chams that you knew or that you saw in that period, were
7 they still practicing their religion, as far as you know? If you
8 -- if you didn't know, please tell us.

9 A. I don't know.

10 [09.40.16]

11 Q. And before we leave this topic of religion, I just want to
12 clarify your -- your previous answer where I think you said there
13 was no force for monks to leave monkhood. Did you, personally,
14 wish to return to monkhood in this period, after you disrobed and
15 left the pagoda?

16 A. During the three-year period, I think it is subject to a
17 condition again with "if". I think I had no willing to return to
18 monkhood. When I left the monkhood, I was 42 years old and got
19 married with children, so I think there was no condition such as
20 what if I had to return to monkhood, I think, no, because I had a
21 family of my own. Before I left monkhood, perhaps I loved this --
22 the status quo. However, when I already left it, I would never
23 want to go back.

24 [09.42.15]

25 Q. Thank you.

15

1 If we can return to your movements in April '75 and – and the
2 months following, once you left monkhood and you left the pagoda,
3 where did you go next?

4 A. First, I went to my mother's home.

5 Q. And what did you do after that? Did you continue to live with
6 your family? Did you find work? What was it that you did?

7 A. Due to my poor health condition because I had been sick on
8 several occasions, I was asked by the people of the commune and
9 district to stay with the doctors. There was a hospital base near
10 the pagoda in Trapeang Kol, Cheung location.

11 Q. Now, turning to a description you gave yesterday to my
12 colleague, about the people from Phnom Penh and Takeo, you said:
13 "Thousands of people were evacuated. You could see [...] people
14 everywhere."

15 Is that something you saw from the pagoda or was it something you
16 saw after you left the pagoda?

17 [09.45.04]

18 MR. PRESIDENT:

19 Witness, please hold on.

20 And, Counsel for Mr. Nuon Chea, you may now proceed.

21 MR. PESTMAN:

22 Thank you, Mr. President. Good morning.

23 I may not remember correctly, but I remember this witness saying
24 yesterday that he actually didn't see the people; he heard people
25 talking about the people. And in that sense, the statement he

16

1 gave to the Investigating Judges was corrected. That's how I
2 interpreted yesterday's testimony.

3 [09.45.42]

4 MR. ABDULHAK:

5 Your Honours, I believe the witness did make that comment, but he
6 also said subsequently, in describing the evacuees, that - that
7 the sentence that I - that I quoted is pretty much word for word
8 what he said.

9 I'm more than happy to ask the witness whether he saw evacuees
10 and take it from there.

11 BY MR. ABDULHAK:

12 Q. Mr. Neou, we'll just take a step back. During your - your stay
13 in pagoda on the 17th of April and the days following or after
14 you left the pagoda, did you ever see people who had arrived from
15 Phnom Penh and Takeo?

16 MR. KHIEV NEOU:

17 A. I saw them even before I left monkhood. And the same people I
18 saw when I had been in -- as a monk, I saw them again, even after
19 I was disrobed.

20 Q. You said to us that you were asked by commune and district
21 people to stay at a local hospital. Do you know who was
22 responsible for these people that were coming from Phnom Penh and
23 Takeo?

24 [09.47.43]

25 A. I don't know, because we know more about the term "Angkar",

1 and no individuals were ever mentioned. There were committees for
2 the district and the province, but everyone was referred to as
3 "Angkar".

4 Q. You said yesterday that many of these people went to their
5 native places. As far as you know, were there any instructions
6 for where people should go, or did people simply choose to go to
7 their native places?

8 A. When traveling, I did not hear anything about this housing
9 arrangement. And during that time, people could choose to go
10 wherever they wished - wished to go, indeed.

11 Q. But you did say yesterday that "villages and communes received
12 [the evacuees], including [...] militias". Were these the same
13 militias who had been instructing monks to leave monkhood or were
14 they different people?

15 [09.50.10]

16 A. I did not see this in person; I have heard from others. There
17 were a lot of people, and I don't remember -- or trying to
18 recognize any individual, because when Angkar was referred to,
19 then we had to be quick to do whatever the order was.

20 Q. You said to us yesterday that you saw some of your relatives
21 who had also been evacuated, and I think you said that you talked
22 to them about their trip. Did they tell you why they had left
23 their cities?

24 A. I heard -- people from Phnom Penh told me about the attack and
25 that people had to move out.

1 Q. And where did your relatives go?

2 A. They went to their native communities, to Trapeang Thum. Some
3 were from Phnom Penh, and some were from Takeo.

4 [09.52.41]

5 Q. And after people went to their native villages, did they
6 continue to live in their homes with their families?

7 A. I was no longer in the village, but later on, when I paid a
8 visit to the village, I saw people who had moved from the city
9 were put to live together in a new established village.

10 Q. You said to my colleague yesterday that, at some point,
11 cooperatives were established. Were these cooperatives
12 established in this new village you're describing?

13 A. In my village, there was a cooperative, but I did not stay in
14 the cooperative because I left the village. I only know about
15 this when I paid a visit to my village, to learn that people were
16 placed to live in the cooperative.

17 [09.54.55]

18 Q. And did everyone from your village live in that cooperative,
19 or only some people?

20 A. Please repeat that question.

21 Q. Certainly. You said, in your village, there was a cooperative.
22 Did everybody from your village live in that cooperative, or did
23 some people live elsewhere?

24 A. People from the ministry or units would live separately.
25 However, villagers would be put to live in the cooperative.

1 Q. And what did people do in these cooperatives? Did they have
2 work to do, and what sort of work, if you know?

3 A. They did nothing new. They did farming, the same old routines,
4 but this time they had to do that collectively. So the different
5 thing is that it was a collective work this time.

6 Q. As far as you knew, could people choose not to live -- could
7 people choose not to live in a cooperative?

8 A. I think I may know, but it's more like my speculation.

9 I, however, did not see people live outside the cooperatives.
10 People from the ministry may choose to be living outside that --
11 those cooperatives, but the villagers would not do that. There
12 are some chiefs of the commune or the cooperative who may be not
13 living in the cooperatives themselves.

14 [09.58.09]

15 Q. These chiefs who were responsible for the communes, do you
16 know who they were appointed by?

17 A. At that time, no individual would be named concerning this
18 appointment; everyone would be appointed by Angkar. The terms
19 "appointed by Angkar" would be heard all across the village.

20 Q. In your local area, as far as you remember, were there any
21 announcements given about these changes to people's living
22 conditions?

23 A. There was some kind of educations on the living conditions.
24 People were asked to attend study sessions, meetings where these
25 topics were discussed.

20

1 For example, there were meetings where people would be
2 criticizing one another. The self-criticism sessions would be
3 convened to discuss about the work progress, the shortcomings,
4 the weaknesses, for example.

5 [10.00.19]

6 Q. Do you know how often such meetings were held?

7 A. I cannot recall how frequent it was, but it was rather
8 frequent, in fact. Monks were also called to a meeting. It was
9 held by -- every two weeks. But as for the ordinary people, there
10 were frequent meetings, but I could not recall.

11 So, usually, only for monks, monks were called to meetings
12 regularly. Usually, the meeting content was to discuss the
13 shortfalls or the shortcomings of the performance of individuals.

14 Q. And who would preside over these meetings? Who was the person
15 chairing the meetings?

16 A. In the village, it would be the village chief, and if it was
17 held at the commune level, it would be by the commune chief. But,
18 in fact, it would be designated by "Angkar".

19 Q. Do you recall -- or did you know what happened to people who
20 were working for the previous regime, the local authorities in
21 Tram Kak District? Did you know what happened to those people
22 after April '75?

23 [10.03.03]

24 A. Regarding the former officials, some are still living today,
25 and one I know is now an "achar" at a pagoda. And some just

1 disappeared since, never returned to the village. And they
2 actually separated when they left Phnom Penh, and even their
3 relatives did not know about their whereabouts.

4 Q. Do you know how they separated? Did they separate voluntarily,
5 or did anyone separate them from each other?

6 A. When I asked about their relatives, they said that some of the
7 relatives went to various villages but they never returned. One
8 person by the name of Sou Nem, who was a medic -- and actually he
9 went to study medicine in Paris for three years. And when I asked
10 the relatives of this person named, they told me that he
11 disappeared since, and nobody actually knows what happened to
12 him.

13 [10.04.53]

14 Q. My last question on that issue: Between that time and now, did
15 you ever hear any additional information about what happened to
16 those former officials who disappeared in that period?

17 A. What I have heard of, it is no different from what the
18 millions of Kampuchean people throughout the country know. It was
19 just information passing on from one to another throughout the
20 country. So it is not a first-hand information.

21 So, for me -- I'm getting older and older every year, so, for me,
22 I just mind my own business and take care of my poor health and
23 don't want to be involved in other people's business. And, in
24 fact, I am very old, but I still have a very young child to look
25 after, so I do not have time to care about other people's

22

1 business; I just look after my family. And I am also a Buddhist
2 follower, so I have to respect the practice of religion.

3 [10.06.34]

4 MR. PRESIDENT:

5 Thank you, Mr. Witness. However, please focus your response
6 appropriate to the question being put to you. Your response will
7 be limited to what you have been asked. So, if we can practise
8 like that, then we can hope that your testimony will finish today
9 and you can go back to your wife and your child. Otherwise, it
10 will drag on, and possibly we could have you here again tomorrow,
11 and then you will miss your family.

12 So please focus and respond precisely to the point that you are
13 being asked.

14 [10.07.30]

15 BY MR. ABDULHAK:

16 Q. Mr. Neou, if we return, just with one more question, to the
17 meetings at which education was conducted and, as you said,
18 criticism and self-criticism took place, as far as you remember,
19 were any documents or journals used to educate people or to
20 communicate the rules of life.

21 MR. KHIEV NEOU:

22 A. Yes, there is a document.

23 Q. Do you recall what type of document that was?

24 A. I cannot recall it right now. There were indeed many
25 documents, and I haven't thought about that for quite a long time

1 now.

2 Q. If I say to you the name of a - of a publication, the
3 "Revolutionary Flag", was that one of the documents that was
4 used, as far as you recall?

5 [10.09.11]

6 A. I heard of the words "the Revolutionary Flag" only as part of
7 a song. People talked about it, but when you refer to an actual
8 document, I cannot recall it.

9 Q. And one last question on this issue of meetings and education:
10 As far as you know, in your area, were people asked to write
11 personal biographies?

12 A. I do not know about the general population. However, as those
13 people who worked, they were instructed to write their biography.

14 Q. Were you ever asked to write one?

15 A. I was not asked to make any long biography. No, I was not
16 because I -- many of them knew me. But as for the younger ones,
17 they were asked to write a biography. Most of the villagers knew
18 me.

19 [10.11.05]

20 Q. From what you observed, do you know why people were being
21 asked to write biographies?

22 A. In regards to any official reason, it's beyond my knowledge.

23 Q. Do you know who the biographies were given to?

24 A. I did not know. As I stated earlier, everything was in
25 connection to Angkar, so the biographies were sent to Angkar as

1 well.

2 Q. Thank you.

3 Now, if we return to your life and your movements, you said
4 earlier that you were asked by commune and district people to
5 stay with doctors at a – at a local hospital. Do you recall the
6 names of those commune and district people who – who told you to
7 stay at the hospital?

8 [10.12.46]

9 A. Many of them are either old or passed away -- those at the
10 commune -- and many of them at the district also died during the
11 war, so many of those chiefs already passed away.

12 Q. Just coming back to the district itself, do you recall who was
13 on the district committee in 1975, when you were there?

14 A. Kit and Chhay at the district committee. However, they both
15 died. Kit, if you think of the age, he's around 80s by now, but
16 Chhay was more than 100 years old by now. And many of the young
17 ones also died -- died during the war. And another one was Yep --
18 also died.

19 Q. When you say Kit, is that Preap Kit?

20 (Short pause)

21 Please go ahead. I was just wanting to clarify if the person you
22 identified as Kit was called Preap Kit?

23 [10.14.53]

24 A. Preap Kit.

25 Q. Thank you. Were any members of Ta Mok's family on the

1 committee or elsewhere in positions of responsibilities in your
2 district?

3 A. There was Ta Mok's younger sibling who was at the commune
4 level, but that person already passed away. I believe many
5 younger brothers of Ta Mok already passed away.

6 Q. Thank you.

7 Do you recall which sector the Tram Kak district was located in
8 during this period?

9 A. Tram Kak was located in Sector 13.

10 Q. And were there also committees at sector level?

11 A. Can you clarify the words "committee at the sector"?

12 [10.17.10]

13 Q. Yes, indeed. You said to us earlier that there was a committee
14 that would be in charge of a district, as well as a committee
15 that would be in charge of a commune. And I was just asking
16 whether there was also a committee at the sector level?

17 A. Yes, there was a sector committee.

18 Q. And you testified yesterday that Ta Mok was the secretary of
19 the Southwest Zone. As far as you know, did those people from the
20 sector report to or work for Ta Mok?

21 A. I could not say whether he was the official secretary of the
22 sector; it was the affair of the upper level. But we were at the
23 lower level and we heard about that.

24 Q. Very well.

25 We'll return, then, to your life.

1 And we were discussing earlier how you went and stayed at the
2 hospital. How long did you stay there? And what were you doing at
3 the hospital?

4 [10.19.27]

5 A. I did not stay there for long; it was very several days, but
6 not a month or year. It was quite a short period of time.

7 And I did not engage in any specific task yet because I was sick
8 at the time.

9 Q. And after you left the hospital, where did you go next?

10 A. After I left, I went to stay near Ta Mok.

11 Q. Did Ta Mok ask you to stay with him?

12 A. Yes, he called me to stay close to him.

13 Q. And how did you -- how did he call you to come stay with him?

14 Did he come and talk to you personally, or did you go talk to
15 him? Could you describe for us just how that happened?

16 A. He actually told the provincial committee by name of Soam, and
17 Soam then came to tell me about that. But Soam already passed
18 away.

19 Q. Is this Soam secretary of Sector 13?

20 A. I believe so; he was the chief. But he's already passed away.

21 [10.21.54]

22 Q. Were you surprised that Ta Mok asked - asked to see you? Why
23 -- did you ask him why it was that he asked for you to come work
24 with him?

25 A. When I went there, he told me that he would ask me to work

1 with the currency, but I told him I'm -- I was afraid of working
2 with the currency, as I was afraid that I -- if it's lost, then I
3 would be in trouble. But, frankly speaking, I never lay -- let my
4 hand on any money; money was not yet put into circulation.

5 Q. And where was it that you went to - to see Ta Mok?

6 A. I met him near the vicinity of Kampong Kantuot, near the
7 Kantuot River.

8 Q. Was that an office that he had there or was it his home?

9 [10.23.33]

10 A. Initially, it was a base or a kind of a military barrack, and
11 there were plenty of fields. And he asked people to clear the
12 area and plant banana, and he also asked soldiers to help with
13 the plantation of the banana. And it was close to the river, so
14 there was plenty of water. It was actually a former Lon Nol
15 military barrack.

16 Q. Just so we understand the exact point in time, did that happen
17 in 1975? And do you recall when -- which month?

18 A. I think it was already 1976, or the earliest was the late -
19 the late '75.

20 Q. Now, you didn't handle currency, as you said to us. What sort
21 of work did you do at this location?

22 A. I did not do any major task, so I assisted in counting the
23 tools and other stuff. And the soldiers who helped with the
24 plantation of banana, then I helped them in fixing the tools,
25 including the hose.

1 [10.25.39]

2 Q. And did Ta Mok stay at this location during that period that
3 you were – that you were working there?

4 A. (Microphone not activated)

5 Q. Actually, if you could repeat that? The microphone wasn't on.
6 If you could just repeat your answer?

7 A. My apology; I did not look at the button.

8 Ta Mok was not far from where I stayed. He was in his office
9 adjacent to where I stayed.

10 Q. Did you see any other leaders or high-level cadre at this
11 location?

12 A. I did; I saw people from the sector, from the district, and
13 from the division. So there were many of those high-level people.

14 Q. Do you know why they came to Kampong Kantuot?

15 [10.27.35]

16 A. Ta Mok's task -- was in charge of the South area of Phnom
17 Penh, and he -- his work was in dealing with the zones not in the
18 Phnom Penh area, but of course it was closer to Phnom Penh area,
19 so it was easier for him to communicate with those in Phnom Penh.

20 Q. Did anyone from Phnom Penh come to Kampong Kantuot -- any
21 other senior person?

22 A. There were quite a number of people from Phnom Penh, but as -
23 if you can recall, I left the monkhood not long before that, so I
24 did not know many of them. I knew a lot of men, but I did not
25 many of the ordinary people. But, yes, people coming down from

1 Phnom Penh to see him.

2 Q. Was Pol Pot one of those people?

3 A. I don't think I saw him, but I saw him in Takeo. When I went
4 to Takeo, I saw him there, but it was just a short -- a brief
5 moment, I did not see him for long.

6 Q. And what was the location in Takeo where you saw him?

7 A. It was at Ta Mok's house. Ta Mok had a house in Takeo. I did
8 not know where he went, but he dropped in Ta Mok's house at the
9 time, and after a brief moment, he left.

10 [10.29.49]

11 Q. Did you often stay at Ta Mok's house in Takeo -- or did you
12 often go there?

13 A. I was not far from Ta Mok's house.

14 Q. Thank you.

15 How long did you stay with Ta Mok in this area?

16 A. I did not stay for long. It is difficult to come up with a
17 number, because I did not write down and, after that, I left.

18 Q. Where did you go after you left the area where you were
19 working with Ta Mok?

20 A. I was asked to work at the Transportation Unit -- the Commerce
21 -- Commercial Transport Unit, exporting commodities to the
22 foreign country. It -- this unit is -- was at the Southeast -
23 rather, Southwest Zone.

24 [10.31.38]

25 MR. ABDULHAK:

1 Thank you.

2 Mr. President, I would now start a new topic. If you wish, I can
3 stop and continue after the break.

4 MR. PRESIDENT:

5 Thank you.

6 Judge Lavergne, you may now proceed.

7 JUDGE LAVERGNE:

8 Thank you, Mr. President. I believe that it is necessary, for
9 purposes of the record, to specify which person we are speaking
10 about when the witness was speaking about a visit in Ta Mok's
11 house, because, in French, we didn't know who came to visit Ta
12 Mok. So I think it would be important to know who was this person
13 who came to visit Ta Mok.

14 [10.32.35]

15 MR. ABDULHAK:

16 Thank you, Judge Lavergne.

17 Mr. President, with your leave, I can just put that one question
18 to the witness.

19 BY MR. ABDULHAK:

20 Q. Mr. Neou, if you heard Judge Lavergne, in the French language,
21 we didn't hear the name of the person who came to Ta Mok's house
22 in Takeo. Could you just repeat that name for us, please?

23 MR. KHIEV NEOU:

24 A. It was Pol Pot who met him briefly in Takeo.

25 MR. ABDULHAK:

1 Thank you.

2 MR. PRESIDENT:

3 Thank you, Mr. Witness.

4 [10.33.25]

5 We think it is now appropriate time for adjournment. The Court
6 will adjourn for 20 minutes. The next session will be resumed by
7 10 to 11.

8 Court officer is now instructed to assist the witness during the
9 adjournment and have him returned to the courtroom by 10 to 11.

10 The Court is adjourned.

11 (Court recesses from 1033H to 1051H)

12 MR. PRESIDENT:

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

14 Before we proceed to the Prosecution, we would like to ask how
15 much time the Prosecution would need to put questions to this
16 witness.

17 [10.52.02]

18 MR. ABDULHAK:

19 Thank you, Mr. President. We are aiming to complete our
20 examination by lunchtime. Perhaps it will take 10, 15 minutes,
21 just depending on the witness's ability to recall, but by about
22 lunchtime we should be done and then handing over to the civil
23 parties.

24 MR. PRESIDENT:

25 Thank you.

1 We would like to hand over now to the Prosecution. You may now
2 proceed.

3 BY MR. ABDULHAK:

4 Thank you, Mr. President. And good morning again, Mr. Khiev Neou.

5 Q. Just before the break, you told us that you were asked to work
6 at a Southwest Zone office in Phnom Penh.

7 First, could you tell us who instructed you to go and work in
8 this office?

9 [10.53.30]

10 MR. KHIEV NEOU:

11 A. Ta Mok was the one who ordered this.

12 Q. And do you recall when that was? I think, at this point, we're
13 in discussing 1976. Was it in 1976? And was it early, or mid, or
14 late 1976, if you recall?

15 A. I don't recall this clearly. It was about -- early or late of
16 the year, but it will - it will take me quite some time to
17 recollect this, and I can't really think about it now, due to
18 time constraint.

19 Q. Thank you, that's fine. Can we just confirm that it was 1976?

20 A. I think maybe in late 1976.

21 Q. Thank you.

22 Could you tell the Court what the responsibilities of that office
23 were? What did that office do?

24 [10.55.18]

25 A. The office was meant to transport materials from Phnom Penh to

1 people outside of the location, and in particular, the materials
2 were transported from the State warehouse.

3 Q. And what type of materials were being transported from the
4 State warehouse?

5 A. The materials include dishes, household chores, and cement,
6 steel, things that people needed, and this also include some
7 candles. Anything people could use would be transported from the
8 warehouse.

9 Q. Just for the record, could you tell the Court where the State
10 warehouse was located?

11 A. It was located in Phnom Penh, but I don't remember in which
12 particular location it was located.

13 People would go there with trucks, with a letter. Then the
14 materials would be allowed to be loaded on the trucks and
15 transported.

16 [10.57.43]

17 Q. And just before we continue with these operations, can we just
18 also ask you how long you stayed at this office in Phnom Penh?

19 A. I worked until 1979, until the war started, and I left.

20 Q. What was your position at this Southwest Zone office? Did you
21 have a position?

22 A. My position was to manage people at the transport section. I
23 oversaw the drivers -- a few drivers. That's all; I had no
24 further authority than this.

25 Q. And you said to us that people would go to the State warehouse

1 with a letter to collect the goods for transport to the zones.

2 Who were those letters issued by?

3 A. The letter was issued by the upper Angkar. It was from the
4 above -- from the above economic section.

5 Q. And who was in that above economic section?

6 A. Are you referring to the person who was the chief or who
7 actually organized the above economic section or the State
8 economy? At that time, in regards to the State economy, it was up
9 -- it was managed -- or supervised by Mr. Vorn Vet.

10 [11.01.04]

11 Q. And was it Mr. Vorn Vet that would personally sign and issue
12 these letters authorizing goods to be transported?

13 A. I did not know him at that time. I think there was another
14 unit called K-22, but I did not really examine the letter
15 carefully, but I remember it could come from K-22 Office.

16 Q. And were there any other senior people or -- that you knew of
17 at that time that were working with Vorn Vet or at the higher
18 level in the State economy?

19 A. In reference to the State warehouse, it was supervised by
20 Roeung, but he passed away, and there was another person by the
21 name Theng (phonetic), but I did not know when we split. And as
22 for the agriculture, it was supervised by Cheng An -- rather, it
23 was the industry; it was by Cheng An. But I cannot recall every
24 name.

25 Q. And just before we move on to some of these names--

1 You indicated that goods were sent from the State warehouse to
2 the region. Were any goods being transported from the regions
3 back to Phnom Penh?

4 [11.03.56]

5 A. Yes, there was.

6 Q. Could you tell us what types of goods?

7 A. Actually, the goods that were transported including cotton,
8 rice -- that is, all those products produced by the local people.

9 Q. Was your unit -- your transportation unit responsible for
10 transporting this produce from the Southwest to Phnom Penh?

11 A. I stated that rice and cotton were transported to Phnom Penh,
12 to the State warehouse. And also coconuts were transport for
13 making soap.

14 Q. Just to clarify my question, was that material being
15 transported by your unit to Phnom Penh?

16 A. Yes, they were transported to Phnom Penh.

17 [11.05.59]

18 Q. Do you recall how often you transported goods from the
19 Southwest to Phnom Penh?

20 A. It is difficult to tell you how frequent the transportation
21 was done, but actually it was rather frequent. I just cannot tell
22 you the exact frequency of the transportation.

23 Q. Would it be -- to the best of your recollection, and please
24 tell us if you don't recall this level of detail -- but would it
25 be weekly, would it be monthly, would it be a number of times a

1 year -- approximately how often?

2 A. It varied, depend on the availability of the product. For
3 example, when the cotton was to a -- be -- a month would be
4 transported, then it will be transported to the industrial
5 section. Although I oversaw it, but I did not see it by myself,
6 it was transported by the group to the industry.

7 As for other commodities, the same thing was done. It was not
8 transported to the zone first, but it was transported directly to
9 the relevant section.

10 [11.08.09]

11 Q. Focusing on food items, just for a brief moment, such as rice
12 and coconuts, do you recall a normal transport of these items?
13 How many trucks would be involved? Are we talking about large
14 quantities or small quantities?

15 A. The vehicles were from the zone, so usually, when the trucks
16 carrying goods from Phnom Penh to the zone -- and after -- and
17 upon their return back to Phnom Penh, they would transport those
18 products from the zone to Phnom Penh, but I cannot tell you
19 exactly the quantity of the products to be transported. It was
20 the organization or management by the State warehouse.

21 [11.09.24]

22 Q. And on the matter of organization, do you know who, in the
23 Southwest Zone, was responsible to organize for the produce to be
24 loaded and made available for transport back to Phnom Penh?

25 A. It depends on the locality of the provinces or the zones. So,

1 upon the availability, those produce would be loaded into the
2 trucks and returned to Phnom Penh. Usually, for the large
3 transportation, it would be dealt with by the State warehouse.
4 And as for the zone, usually we would only load our produce when
5 the trucks were empty upon the unloading of the goods from Phnom
6 Penh.

7 Q. Very well.

8 Now, you mentioned earlier a person called Cheng An, who you said
9 was in charge of the Ministry of Industry. Did you see him in
10 this period?

11 [11.11.23]

12 A. I met him when he came to enquire about the bricks. And,
13 actually, I went to contact Cheng An when I made enquiries about
14 the bricks. And sometimes, when I went there, I saw Vorn Vet; he
15 was there too.

16 Q. Did you ever meet an individual called Van Rith?

17 A. I could not recall the surname, but I met a person by the name
18 of Rith.

19 Q. Do you know what position he held?

20 A. He was at the foreign trade section, but I am not a hundred
21 per cent sure.

22 Q. And was that foreign trade section a different office from the
23 office where you saw Cheng An?

24 A. I did not know the detail beyond that.

25 Q. Very well.

1 You stayed in Phnom Penh until -- I think you said January 1979.

2 Did Cheng An also stay in Phnom Penh in his position until

3 January '79?

4 [11.14.08]

5 A. I cannot recall it clearly.

6 Q. Do you know what happen to him in '79 or after '79? Did you

7 ever see him?

8 A. I do not know beyond what I stated.

9 Q. Just before we move on from this individual, I'll note for the

10 record, Your Honours, Introductory Submission document 5.12

11 contains a confession in the name of An.

12 Mr. Khiev Neou, if we could discuss what happened with some of

13 these other people--

14 Do you know what happened to Vorn Vet in this period?

15 A. I only heard from other people that he had issues and then he

16 disappeared from the ministry. However, the information was not

17 official.

18 [11.15.59]

19 Q. Who was it that you heard that from?

20 A. Of course, it's not possible to verify who was the source of

21 the information because it was relayed from one person to the

22 next.

23 Q. So was that one of your colleagues in Phnom Penh that told you

24 that Vorn Vet had disappeared?

25 A. That's what I heard, but I cannot recall the name of the

1 person from whom I heard of the news, because many people talked
2 about that. So it is not possible to identify or pinpoint who was
3 the person who's actually the starter of telling people about
4 that information.

5 Q. Are you able to tell us anything more about what issues it was
6 said that Vorn Vet had? You said people said he had issues and
7 disappeared?

8 [11.17.26]

9 A. Officially, there was no much news. However, unofficially we
10 heard a lot of things.

11 Q. And what were things that you heard -- briefly, please?

12 A. I only heard that he had issues.

13 Q. And do you recall when it was that he disappeared?

14 A. I could not recall that. I was only mindful of my own self.

15 And when I heard about that, I was rather concerned as well, so I
16 kept quiet and I kept it to myself. So I had to -- just to
17 prepare myself to work and to survive.

18 Q. Apart from Vorn Vet, did you know of anyone else that
19 disappeared in that period?

20 A. Previously, Hu Nim and Hou Youn had disappeared, but that was
21 earlier.

22 Q. Did you know why they disappeared? Was there any discussion of
23 the reasons for their disappearance?

24 [11.20.00]

25 A. I was completely in the dark regarding the disappearance of

1 these two individuals because I did not have any relation or
2 contact with them at all. As for Vorn Vet, I had some contact
3 with him to a degree, and later on I heard of his disappearance.

4 Q. And what about ordinary cadre, people such as yourself,
5 working in Phnom Penh? Did you ever notice anyone disappearing?

6 A. Some people who were not close to me had disappeared, and I
7 heard about the disappearance of other people here and there,
8 yes. So there was disappearance during the time.

9 Q. Do you know anything about why people were disappearing?

10 A. The disappearance was due to being accused of being traitors.

11 Q. And why would people be accused of being traitors? What was it
12 that these people did that would lead to them being accused of
13 being traitors?

14 [11.22.37]

15 A. I am not sure regarding this matter. As I stated from the
16 outset, I only knew some parts at the end, not at the beginning.
17 So I only knew, for example, about the branch, but not the root
18 of the tree, because I am not the one who was fully in charge at
19 the time. Even I was -- I oversaw the transportation, it was just
20 a minor role in the process.

21 Q. When you were in Phnom Penh, did you attend any meetings at
22 which instructions were given about work, about discipline or
23 other aspects of your work?

24 A. Meetings held at the zone, not in Phnom Penh, and instructions
25 were given by Samnang at the zone.

1 Q. How often did you attend these sessions with Samnang?

2 A. I cannot recall exactly, and the meetings did not take place
3 frequently.

4 [11.24.54]

5 Q. At these meetings, were issues of traitors ever discussed?

6 Were you ever told about traitors in those meetings?

7 A. Lessons were taught. They talk about the lines of the
8 revolution, the lines for the people, for instance. They never
9 touched upon the name of any individual in the document. They
10 focused on the lines and the regulations of the revolution.

11 Q. Very briefly because we have limited time, what were the most
12 important lines that you were taught about?

13 A. The lines of the revolution mainly raised the issues dealing
14 with the peasants. It stated that, in Kampuchea, 85 per cent of
15 people were peasants, so decisions shall be made to conform with
16 the majority of the population, that meant to conform with the 85
17 per cent of peasants in Kampuchea.

18 [11.26.51]

19 Q. Did that mean that people who were not peasants would be
20 required to conform to peasants?

21 A. People needed to engage in training, even peasants. Peasants
22 needed to study the lines for the peasants as well. And for those
23 who were not peasants, they needed to make themselves to work like
24 peasants.

25 As for me, I had been a monk, so I had to conform myself to be a

1 peasant, to carry the work of a peasant, although, when I young,
2 I used to be -- I used to work like a peasant in the rice field.

3 Q. Could you recall for the Court what position Samnang held --
4 Samnang who held these -- who led these sessions?

5 A. Could you please confirm, which Samnang are you referring to?

6 Q. The Samnang who you said gave instruction at the education
7 meetings in the zone.

8 [11.28.56]

9 A. At the zone, I did not -- I have not mentioned any other
10 people's name except the name of Ta Mok, or maybe I made a
11 mistake.

12 Q. It may be an interpretation error.

13 Could you tell us who chaired these education sessions -- who led
14 the education sessions?

15 A. The meetings were chaired by a person named Bit. He was Ta
16 Mok's deputy, and he already passed away. Usually, he was the one
17 who chaired the meeting.

18 Q. Is this a person whose full name is Sam Bit?

19 A. Yes, it is correct.

20 Q. Thank you.

21 Did Ta Mok ever take part in these education sessions?

22 A. When I attended meetings, I never met him in the meeting, but
23 I met him in person to talk to him directly. I never met him in
24 study sessions or meetings.

25 Q. Did Ta Mok come to Phnom Penh during that period when you -

1 when you were working in the city?

2 [11.31.15]

3 A. When the State -- or the upper echelon needed him, he had to
4 drop by to a meeting, briefly, and he would left - rather, would
5 leave. For example, if he had to attend a full-day meeting, he
6 had to remain there the full day, or if the meeting last for two
7 days, he would be there and then left. Sometime he had to remain
8 in Phnom Penh only for an hour or so.

9 Q. You said he would come when the upper echelon needed him. Did
10 you know who was in that upper echelon?

11 A. I think people told us -- or we heard from others that the
12 upper echelon would be Pol Pot, the top leader, the person who
13 was known to everyone, and that's what I also know. I know like
14 the other -- everybody else does. However, I have no idea what
15 happened with regard to the management of that echelon.

16 Q. Did Ta Mok tell you who he met with when he would come to
17 Phnom Penh?

18 [11.33.03]

19 A. Normally, at that time, people did not prefer to refer to
20 individuals by names. They referred to them by "Angkar" because
21 officially, when they referred to an individual, they would just
22 refer to "Angkar". For example, Angkar would need to convene a
23 meeting, and people had to be attending it. So "Angkar" would be
24 the only word referred to.

25 Q. Now, I just wish to return for a few moments to people you met

1 during your visits to various sites in Phnom Penh.

2 In that period, while working in Phnom Penh, did you ever meet or
3 see Mr. Khieu Samphan?

4 A. I saw him; I met him.

5 Q. Do you recall how many times you saw him?

6 A. I met him on two occasions.

7 Q. And do you know what position Mr. Khieu Samphan held at that
8 time?

9 A. Publically and universally, he was known to be the head of the
10 State Presidium, and I heard it from radio broadcasts. Everyone
11 heard this. He was the head of the State Presidium.

12 [11.35.30]

13 Q. Apart from having that public role, did you know whether he
14 held any other positions?

15 A. I know unofficially his role other than that, but officially I
16 don't know, other than that.

17 Q. Can you tell us what you know unofficially?

18 MR. PRESIDENT:

19 Witness, please hold on.

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

21 MR. ANG UDOM:

22 Thank you, Mr. President. Good morning, Your Honours, my learned
23 colleagues, and everyone in the courtroom. I think Mr.

24 Co-Prosecutor is calling for a speculation from the witness.

25 [11.36.28]

1 MR. PRESIDENT:

2 Counsel's objection is sustained.

3 Witness is now instructed not to respond to that question.

4 BY MR. ABDULHAK:

5 Q. When you met Khieu Samphan on these two occasions, what was
6 the purpose that you -- for you meeting him?

7 MR. KHIEV NEOU:

8 A. At the beginning, when I first met him, I was accompanying
9 someone to see him at the ministry. I was outside of the office.
10 I took people from Chamkar Kausu -- or the rubber plantation --
11 to meet him. When I was there, I was outside of the ministry when
12 the other met him.

13 [11.37.51]

14 And later on, when Mr. Khieu Samphan heard about me, he heard
15 about my name, he never saw my face, so he would like to grant me
16 an audience, so I met him.

17 And at that time he also asked me about some work. He asked about
18 people at Battambang -- about Battambang. And I perhaps do not
19 recall the detail, but he asked about the request from Battambang
20 that there was a need for fabric, or cloth, for the people there,
21 and he said that we had only the white, plain cloth, and I also
22 said that white, plain cloth would also be needed. And we
23 discussed about the white cloth during the old time, that they
24 could be dyed in the mud to have the colour needed to be used.
25 And that's part of the conversation I had with him, although I

1 cannot recollect the details. In particular, the topic for the
2 discussion was about the materials people needed, and I was also
3 talking about the sawmill. And we discussed about the
4 conventional tools used by people, and we should not resort to
5 the tools manufactured by factory, we should resort to our own
6 tradition of producing tools first. This is part of the matter we
7 discussed when I met him.

8 [11.40.07]

9 And on another occasion, it was raining cat and dog, and National
10 Road Number 1 was flooded and ruined by the flood, the road to
11 Svay Rieng. People from Kandal approached me to contact the upper
12 echelon to assist to handle the situation at that location so
13 that the road can -- could be saved. And I also contacted him,
14 and he asked the question how I should handle this. And the water
15 sluice was stuck and it could not be removed; because, if it
16 could be removed, then the water could be released. And we had to
17 bring in a crane to help fix the situation.

18 This is the matter I discussed with him, although I can't
19 remember the details. But these are the main points I met and
20 discussed with him on the second occasion.

21 [11.41.25]

22 Q. Thank you for being so comprehensive in your answers; it helps
23 us get through the material very quickly.

24 You said you accompanied someone on the first occasion, people
25 from the rubber plantation, to meet Mr. Khieu Samphan at a

1 ministry. Which ministry was that?

2 A. It was at the Foreign Commerce Section. Mr. Vorn Vet was
3 absent. Normally, Mr. Vorn Vet would be in charge, but when -- in
4 his absence, Mr. Khieu Samphan was in place. I don't know whether
5 it was the case. However, I saw him there.

6 [11.42.24]

7 Q. Did you know whether Khieu Samphan often worked at that
8 office? And if you don't know, please tell us.

9 A. I don't know much about this; I just saw him on that occasion.
10 Before that, I had no idea and I still don't know what he did
11 after that. I only know what I saw and met him at that time.

12 Q. When people from Kandal approached you about the flooding and
13 asked you to contact the upper echelon, how did you know that you
14 needed to contact Mr. Khieu Samphan?

15 A. My nephew by marriage worked closely with Khieu Samphan, so,
16 through him, I could communicate the message. He was called Sen
17 (phonetic). So it was more like a kind of off-the-record
18 communication.

19 Q. Do you know whether Mr. Khieu Samphan had any alias in that
20 time?

21 A. I didn't know what his alias was at that time, but later on,
22 in 1980s or 1990s, that I learn that he had another name. But I
23 didn't know about this back then.

24 [11.44.42]

25 Q. Do you recall what that name was?

1 A. Ta Mok called him Comrade Hem.

2 Q. And do you know whether during that period, 1975 to 1979, Ta
3 Mok met with Mr. Khieu Samphan?

4 A. I believe that they could have met, because the upper echelon
5 could have met one another. However, I don't know who else they
6 could have met. It's purely my speculation, but I can't go
7 further on this.

8 Q. Thank you.

9 You said how on one occasion, when you met with Mr. Khieu
10 Samphan, you discussed using conventional tools and not using
11 factory tools. What did Mr. Khieu Samphan say to you in that
12 meeting?

13 [11.46.43]

14 A. He was pleased, and we reached a consensus that it would be
15 the way. And the materials were then transported to Angk Ta Saom
16 in the first place. The saw and other tools were transported to
17 the location to deal with this, and he was -- he agreed.

18 Q. Just before I leave that issue, what sort of factory tools
19 were not supposed to be used, as far as you recall those
20 discussions?

21 A. There was a factory in the Southwest, in -- deep in the
22 jungle, but the factory was not sufficient to produce tools for
23 the use -- needed for people's need. And I suggested that as long
24 as we had some conventional tools used by our people before
25 already, we need to make the most of it. We need to take the

1 advantage of the available tools, and not resorting to the
2 factory tools which is not sufficient. I also need to -- also add
3 further that I made some request to make use of the used bottles
4 -- fish sauce bottles to reuse. And the people who produced fish
5 sauce at Kampong Ampil location could not find any container to
6 put the fish sauce, so I suggested that we use the used bottles.

7 [11.48.47]

8 Q. And from what you have described so far, do I understand
9 correctly that Mr. Khieu Samphan would authorize certain
10 materials to be used? Correct me if I'm wrong.

11 A. I already indicated that he agreed that the materials could be
12 used. So he gave the green light and he was pleased that this
13 materials could be used for the need of the people. That's -- I
14 already indicated once and again.

15 Q. Thank you for clarifying that point.

16 While you stayed at the Southwest Zone office in Phnom Penh, did
17 other people from the Southwest Zone, apart from Ta Mok, come to
18 Phnom Penh for meetings or otherwise?

19 [11.50.40]

20 A. People from the sector, the province level people and the
21 division, and perhaps also people at the district level as well
22 -- but I may be mistaken with regard to the district level
23 people, but other people from the sector and province level had
24 to meet with Pol Pot to receive direct orders and instructions.
25 But that's what I have heard of. I heard that they were there to

1 meet the upper echelon to receive some instructions.

2 And they would drop by my home. And if they were escorted by
3 their bodyguards, they would drop by my location before they
4 would be taken further by other groups. And after they left the
5 meetings, then they would come -- stop by again and would
6 continue their journey from there.

7 Q. Are you able to recall the names of any of these people that
8 used to come for meetings?

9 A. People from the Southwest Zone, the chief of Takeo province,
10 Mr. Soam, and chief of Kandal province Mr. Chea (phonetic), and
11 Prak, but they all passed away. From Kampong Chhnang, people --
12 the person by the name of Yim -- he also died. And from Kampong
13 Speu, there was also the chief, but I cannot recollect his name.
14 But I still recall - rather, I don't remember people from the
15 sector committee of Kampong Speu. These are the individuals that
16 I mentioned.

17 [11.53.44]

18 Q. Did an individual by the name of Chou Chet alias Si ever come
19 to Phnom Penh?

20 A. Chou Chet alias Si was in the Southwest Zone, but later on he
21 had been transferred to the West Zone. However, the West Zone
22 office was not far from the location where I worked, and Chou
23 Chet had also been ordained as the Buddhist monk, and we had
24 known one another. Unofficially, we talked, chit-chatted in our
25 capacity as Buddhist monks -- or people who used to become

1 Buddhist monks.

2 Q. Did you know Chou Chet's wife? Did you know the name of the
3 woman he was married to?

4 A. I remembered this name before, but I cannot recollect it now.
5 Indeed, I knew this person, but I just can't recollect the right
6 name for now.

7 [11.55.25]

8 Q. If I tell you the name, you -- tell me if that's the name that
9 you recall, or if not, please say so. Was her name Im Nen, alias
10 Li?

11 A. That's correct.

12 Q. And do you recall at all what position she held, if any,
13 during that period?

14 A. I don't know about this because we were in separate zones.

15 Q. You knew Chou Chet and you said you talked to him from time to
16 time. Do you know what happened to him?

17 A. I think later on we heard that he disappeared, but I can't say
18 -- or I can't confirm for the purpose of Court record. I just
19 heard from one another concerning this.

20 Q. And did you hear anything about what happened to his wife?

21 [11.57.14]

22 A. No, I don't know about this. I knew more than anybody could
23 have known him, is that Mr. Chou Chet had been very sick because
24 he had undergone some operation to have his inner organ removed.

25 Q. Thank you.

1 Your Honours, I'll just indicate for the file relevant document
2 numbers, as I did earlier. Chou Chet's confession is document IS
3 5.15. And also of relevance is document E3/1098 which relates to
4 the arrest of his wife -- E3/1098. And, lastly, both are listed
5 in the S-21 revised prisoner list, document D288/6.68.1. Chou
6 Chet is listed as number 1509. Im Nen alias Li, his wife, is
7 listed as number 2896.

8 Mr. Khiev Neou, when these people came to Phnom Penh to attend
9 meetings, you said that they would be escorted by bodyguards. Do
10 you know where those meetings were held?

11 [11.59.19]

12 A. Allow me to elaborate on this. In Phnom Penh, during the
13 three-year period, people could not move everywhere freely. I did
14 not go to other -- or walk to other locations. And we heard that
15 they met with the upper echelon, but we never know where these
16 locations were. Only people who used to be in contact or
17 attending such meetings would know where the locations would be.
18 And a person of lower level like me was not able to know that.

19 Q. Very well. And just one last question on that issue: Did you
20 know -- and tell us if you didn't -- what the purpose of these
21 people coming to meet the upper echelon was? Do you know what the
22 purpose of those meetings was?

23 [12.00.41]

24 A. I think my response would be based on my speculation because I
25 was not the head of the section. I think the meeting was nothing

1 more than how to manage the State and -- affairs. I could say
2 that because I have read some documents, the documents confirmed
3 my position, confirmed the people's line and the popular mass
4 line, which was part of the discussion, so I base my argument --
5 or testimony on the documents I have read. So I can conclude that
6 the meetings were more about the State affairs, how to defend the
7 country, so on and so forth.

8 MR. ABDULHAK:

9 Thank you, Mr. Khiev Neou.

10 Mr. President, we need approximately another 10 to 15 minutes.

11 With your leave, we will continue after the break if this is an
12 appropriate time to stop.

13 [12.01.58]

14 MR. PRESIDENT:

15 Thank you. Thank you, Mr. Khiev Neou.

16 Since it is now lunch break, the Chamber will adjourn for lunch.

17 The next session will be resumed by 1.30.

18 Court officer is now instructed to assist witness during the

19 lunch break and have him return to the courtroom by 1.30.

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

21 MR. PESTMAN:

22 Thank you, Mr. President. My client would like to follow the rest
23 of the hearing in the holding cell. I have the necessary waivers
24 here to hand over.

25 [12.02.54]

1 MR. PRESIDENT:

2 The Chamber has noted the request by counsel for Nuon Chea, in
3 which Mr. Nuon Chea has requested that he be excused from this
4 courtroom and allowed to observe the proceedings from his holding
5 cell.

6 Defence counsel has made it clear that he would submit the waiver
7 to the Chamber concerning this.

8 The Chamber, therefore, grants such request. Mr. Nuon Chea will
9 be allowed to observe the proceedings from his holding cell for
10 the remainder of the day, and he has waived his right to be
11 present in the courtroom.

12 The Chamber asks that counsel for Nuon Chea submit the waiver
13 signed or given thumbprint by Mr. Nuon Chea to the Trial Chamber
14 as soon as possible.

15 The AV booth officers are now instructed to ensure that the AV
16 equipments are well linked to the holding cell so that Mr. Nuon
17 Chea can observe the proceedings from there for the remainder of
18 the day.

19 [12.04.12]

20 Security personnels are now instructed to bring Mr. Nuon Chea and
21 Khieu Samphan to the holding cells and have Mr. Khieu Samphan
22 return to the courtroom in the afternoon, when the next session
23 resumes.

24 The Court is adjourned.

25 THE GREFFIER:

1 (No interpretation)

2 (Court recesses from 1204H to 1331H)

3 MR. PRESIDENT:

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

5 Before our recess for lunch this morning, the prosecutor
6 requested additional 15 minutes to conclude their questioning
7 session to this witness.

8 The Chamber allows five additional minutes to conclude your
9 session before the floor is given to the Lead Co-Lawyers for
10 civil party.

11 You may now proceed.

12 BY MR. ABDULHAK:

13 Thank you, Mr. President.

14 Q. Mr. Khiev Neou, we'll try and use these five minutes as most
15 effectively.

16 You said earlier that you met Khieu Samphan twice, and the first
17 of those two occasions was when you discussed with him the need
18 of people in Battambang, if I recall correctly. Do you remember
19 when that meeting was -- which year it was in -- '76, '77, '78?

20 [13.33.54]

21 MR. KHIEV NEOU:

22 A. I cannot recall it clearly. However, it was probably in late
23 1977.

24 Q. And the second meeting that you had with Mr. Khieu Samphan,
25 discussing the floods in the Kandal province, was that also in

1 '77 or -- when was it?

2 A. Again, I cannot recall the exact date. However, that was the
3 time that there was the biggest flood in the country.

4 Q. Are you able to recall the year? Was it 1977, 1978 -- or
5 you're not able to recall the year?

6 A. I just simply cannot remember the year, but I think it was in
7 1978. Either way, it could be either '77 or '78.

8 [13.35.19]

9 Q. And last question on that: Do you recall what time of the year
10 that was? Was it before the rainy season? Was it during the rainy
11 season? Are you able to recall?

12 A. The flood occurred during the rainy season.

13 Q. Thank you.

14 Now, I wish to clarify with you one aspect of your -- of your
15 statement. And before I do that, I'll just ask you one brief
16 question.

17 You said that you knew that Vorn Vet was in charge of the economy
18 section prior to his disappearance and you also said that, after
19 his disappearance, you saw Mr. Khieu Samphan at the Ministry of
20 Foreign Commerce. As far as you knew, did Khieu Samphan take over
21 any responsibilities?

22 MR. PRESIDENT:

23 Witness, do not respond yet.

24 Defence Counsel, you may proceed.

25 [13.37.00]

1 MR. VERCKEN:

2 Thank you, President. I have an objection to make.

3 In the French version, it would appear that the witness did not

4 say -- or did not hypothesize or say that he had met Khieu

5 Samphan after the disappearance of Vorn Vet. In any case, this is

6 not indicated in the French version of the document. It would

7 seem that the Co-Prosecutor is distorting the words of the

8 witness, as such a statement does not appear at all in the French

9 language version.

10 MR. ABDULHAK:

11 Mr. President, my notes -- and we don't have a verbatim

12 transcript, but my notes are that the witness said he saw Khieu

13 Samphan at the Ministry of Foreign Commerce. Vorn Vet was absent

14 and Khieu Samphan was in place. I thought I was giving a fair

15 summary of that, and the witness discusses similar issues in his

16 statement.

17 [13.38.10]

18 MR. PRESIDENT:

19 The objection is overruled.

20 Witness, please respond to the last question put to you by the

21 prosecutor.

22 MR. KHIEV NEOU:

23 A. What I said was my conclusion of what I thought, that when he

24 came to replace Vorn Vet. However, when I replied earlier, I did

25 not say that that's what I concluded. It was my estimation; there

1 was no official information regarding that.

2 Q. Very well. Thank you for that -- for that response.

3 One minute remaining; I'll ask you just one final question.

4 Earlier, when you described people who came from the Southwest
5 Zone to attend meetings in Phnom Penh, you mentioned someone by
6 the name of Prak, from the Kandal province. I just want to
7 clarify whether that person's full name is Sek Sat, alias Prak.

8 [13.39.36]

9 A. I did not know the full name of the person; I only know the
10 given name, Prak. And I did not know about a surname.

11 Q. You said he came from Kandal. Do you know if he held any --
12 any position in Kandal province?

13 A. He was the chief of the Kandal Provincial Committee.

14 MR. ABDULHAK:

15 In the interests of time, we'll stop here. I thank you, Mr. Khiev
16 Neou, for your comprehensive answers.

17 And thank you, Your Honours, for the extra time.

18 [13.40.35]

19 MR. PRESIDENT:

20 Judge Lavergne, you may proceed.

21 JUDGE LAVERGNE:

22 Thank you, President. For the record, I wish to indicate that, in
23 the French version of the written record of witness interview,
24 which is under D166/183, on the fifth page, the witness states as
25 follows:

1 "I met with Khieu Samphan at the Foreign Trade Office while I was
2 looking for materials to distribute to people in cooperatives. At
3 that time, I transported those tools to Takeo province. After
4 Vorn Vet disappeared, approximately in 1977, Khieu Samphan
5 succeeded Vorn Vet being in charge of Foreign Trade. I was told
6 that Vorn Vet was arrested for being involved with the CIA and
7 the KGB. It was approximately in 1976, before I left for Phnom
8 Penh, that I saw Pol Pot once, when he came to Ta Mok's house in
9 Takeo province."

10 What is abundantly clear is that the witness states that,
11 following Vorn Vet's disappearance, Khieu Samphan had succeeded
12 Vorn Vet at Foreign Trade.

13 [13.42.33]

14 MR. VERCKEN:

15 I simply wish to draw your attention to the fact that my
16 objection was not to what was said in the written record of
17 witness, but what the witness has said in the stand. I'm very
18 familiar with the written record, but my objection was what --
19 was concerning what he just said.

20 And, furthermore, we have requested the Transcription Unit to
21 translate the transcripts of the audio recording that was made
22 between this witness and the investigators from the OCIJ. It
23 would appear that there are a few discrepancies between both
24 records and that there is information that does not appear in the
25 audio recording and actually appears in the written record. For

60

1 example, there are references to ministries, there are references
2 to the CIA and the KGB.

3 I would point out to you that these records are classified under
4 D166/183.1.

5 [13.43.54]

6 JUDGE LAVERGNE:

7 Is what I just read contrary to what was recorded? Does it
8 contradict what Mr. Khiev Neou stated before the investigators?
9 This would allow me to appreciate the relevance of your remarks.

10 MR. VERCKEN:

11 The term that was translated by the tribunal's translation
12 service with respect to Khieu Samphan's successor, I will read
13 aloud the translated passage, which is as follows:

14 Question: "Did you meet anyone else?"

15 Answer: "I don't think so. However, I met Khieu Samphan."

16 And then there's an open bracket followed by three suspension
17 points because I believe it was inaudible: "Khieu Samphan
18 appeared after the disappearance of Vorn Vet."

19 Those are the exact terms in the word for word translations of
20 what was transcribed of the audio recording. This is not
21 reflected in the written record of witness interview. And in that
22 very document, there is reference to the CIA and to the KGB,
23 whereas, when one reviews the audio recording transcript, at no
24 time whatsoever does the witness make any mention of the KGB.

25 [13.45.50]

1 MR. PRESIDENT:

2 The floor is now given to the Lead Co-Lawyers for Civil Party to
3 put question to this witness. You may proceed.

4 QUESTIONING BY MR. PICH ANG:

5 Good afternoon, Mr. President, Your Honours. Good afternoon, my
6 colleagues. And good afternoon, everyone in and around the
7 courtroom. I, myself, and Mr. Barnabé will put questions to this
8 witness and we anticipate that we may need between 35 to 40
9 minutes to conclude our session. Allow me to start putting the
10 question now.

11 [13.46.48]

12 Good afternoon, Uncle. I am a civil party counsel and also
13 counsel for the victims of the Khmer Rouge regime.

14 Q. I have some questions to put to you, and the first part is in
15 relation to the period prior to '75.

16 The first question is the following: What did you know about the
17 Issarak Movement prior to 1975? Can you shed some light on this
18 matter?

19 MR. KHIEV NEOU:

20 A. The movement which was known as the Issarak Movement started
21 since the early 1940s, since I was rather young.

22 There were various types of Issarak: Issarak Puth Chhay, Issarak
23 Dap Chhuon, Issarak Chantarainsey, and, to the South, Issarak Son
24 Ngoc Minh. And later on, the word "Issarak" was no longer used.
25 Then, in 1967 or '68, the words "Khmer Rouge" emerged, but if you

1 look carefully, those people were from the former Issarak
2 Movement.

3 [13.48.44]

4 Q. Can you elaborate further regarding the Issarak Movement? What
5 was the role of the Issarak Movement?

6 A. In the Issarak Movement, when they first entered the area,
7 they asked the villagers and the people about those who were
8 literate, and then they were appointed. One of the other
9 uncle-in-laws was assigned to work as the commune chief, and
10 another one was as the greffier of the commune, and they had been
11 in that position until the Geneva Conventions.

12 And after that period concluded, he returned to the village and
13 became an ordinary villager in the village.

14 [13.50.08]

15 Q. The commune of Trapeang Thum, where you stay, can you tell us
16 the village under that commune?

17 A. The village name was Trapeang Kul. It was in Trapeang Thum
18 commune, Tram Kak district, Takeo province.

19 Q. You just mentioned about the transformation into the Khmer
20 Rouge. Can you tell us if you ever heard, in the commune where
21 you stayed, the words "armed struggle"?

22 A. Yes, I heard of the phrase "armed struggle" and "armed with
23 policy -- or politics".

24 [13.51.13]

25 Q. Who actually initiated the use of the phrase?

1 A. We heard from one another, and I cannot recall exactly from
2 whom I heard. So people kept using the phrase, and everybody just
3 used it, and we could not know who was actually the starter of
4 using the phrase.

5 Q. Can you tell us, that -- in late 1960s, as you just said, was
6 there a revolutionary base in your commune?

7 A. In Trapeang Thum commune, there was no revolutionary base, as
8 the Khmer Rouge was still in the forest in Kampot province.

9 Q. Thank you for your explanation.

10 Let me move on to another subject. It is in relation to the
11 evacuation.

12 In your response to the questions put to you by the -- by the
13 Office of the Co-Investigating Judges, that there was a plan to
14 have the monks disrobed. It is in document D166/183; Khmer ERN is
15 00355440; and in English, 00358141; and in French, 00408426.

16 I seek your permission to have it projected on the screen.

17 [13.53.46]

18 MR. PRESIDENT:

19 You may proceed per the instructions that we already issued.

20 BY MR. PICH ANG:

21 Thank you, Mr. President.

22 Q. In your statement before the OCIJ investigator, you said that
23 the plans to disrobe the monks were put in place long time ago,
24 and in general, the monks knew that the Communists would not
25 allow monks to exist, so all the monks were not surprised of

1 that.

2 My question to you is the following: Can you explain to the
3 Chamber how the monks came to know that there was a plan to
4 disrobe?

5 MR. KHIEV NEOU:

6 A. The Communist Movement was in Cambodia since the 1940s, since
7 I was very young, so we knew that it was the Communist Movement.

8 [13.55.08]

9 Additionally, I ordained in 1953 or '54, during the period of the
10 Geneva Conventions, and I had some knowledge through my reading
11 of the American magazines. In the magazines, it illustrated the
12 world map and, wherever the country held the Buddhist religion,
13 it was painted in yellow colour. And when I looked at the Soviet
14 country, it was not in yellow, so I spoke with those resistance
15 in the Issarak. I told them that there was no religion in the --
16 in the Soviet country and I showed them the magazine. And that
17 was in 1954, and by that time I was about 20 years old. And
18 probably that was the base for us to understand about the
19 Communism.

20 And we saw the Communist Movement everywhere around the world,
21 and people who were intellectuals knew about the various forms of
22 Communism, like the Chinese Communism, the Korean Communism, and
23 the Yugoslavian Communism.

24 [13.56.50]

25 Q. My apology, but I need to interrupt you.

1 Could you please inform the Chamber, when the monks left the
2 monkhood, was there a religious ceremony to allow that?

3 A. Yes, there was a religious ceremony. There was no change yet
4 in the tradition, so there was the chief of the monk and there
5 were other peoples who were there to perform the religious
6 ceremony based on the Buddhist Bible. And it was not just a plain
7 disrobed, but we follow a religious celebration. And people also
8 attended that ceremony.

9 Q. Thank you. Can you tell the Chamber that the monks who left
10 the monkhood -- what happened to them? What did they do or where
11 did they go?

12 [13.58.12]

13 A. Some of them who were rather old, they passed away after they
14 left the monkhood. As for Ta Im, in Wat Chrum, later he became a
15 monk again and then subsequently passed away. And another monk,
16 he did not become a monk again, but he passed away.

17 So many of the older monks passed away. There were some younger
18 monks around my age; some passed away, and we separated.

19 Q. Thank you.

20 You already spoke about the practice -- the silent practice of
21 Buddhist religion in late 1975 or early '76.

22 The question is: Were there any Buddhist religious ceremonies
23 held, for example like Pachai Boun or the Kathin ceremony or
24 other minor blessing ceremonies held at individual residence in
25 the village?

1 [13.59.39]

2 A. No. I only knew about my place. I did not know about the other
3 villages. But because by that time there was no longer any monk,
4 so there was no such celebration or ceremony, we quietly
5 practised and observed the religion by ourselves. There was no
6 open ceremony of such religious nature.

7 Q. What about during the wedding? Can you tell us whether
8 religious ceremony was held during a marriage?

9 A. No. However, as routines, the senior people in the communes or
10 the superiors agreed, then we would get married. So, indeed, if
11 the authority allowed this to happen, then each respective unit
12 would organize such marriages.

13 Q. Could you tell the Court how marriages organized? Did people
14 get married voluntarily? And how many couples at each marriage?

15 A. It depends on each unit or village or commune. Marriages would
16 be conducted differently, and there is no way we can identify the
17 common marriage practice because, if there were "achars" or
18 Buddhist monks, then they would maintain these tradition.

19 However, in this situation, we only needed authorization from the
20 upper echelon.

21 [14.02.29]

22 Q. Did you ever attend any marriages during the period from 1975
23 to 1979?

24 A. I think I didn't see other marriages. I saw my own marriage,
25 because Ta Mok organized this marriage for me -- for my couple.

1 However, the head of the department had to help pronounce this.

2 Q. With regard to your marriage arranged by Ta Mok, did your
3 spouse know you before the marriage?

4 A. She knew me, but not very clearly. She was at the sewing
5 section in the zone office. She was not in the village as others.
6 And I was informed early.

7 [14.03.53]

8 Q. You said you were informed earlier. Who informed you or her?
9 And did both of you know that you would be married? And did you
10 -- or were you willing to get married?

11 A. At a later date, I heard from my spouse, who said that she was
12 tipped off already concerning the marriage. And then we met and
13 we smiled at one another, and that -- during the encounter, it
14 was the -- the meeting was meant for the two people to meet so
15 that the marriage could be administered. She said that she was
16 informed about this.

17 Q. Did your parents or your wife's parents and relatives and the
18 families attend the marriage?

19 A. It was a separate marriage; no family members, no parents,
20 only members at the department -- at the office or the unit came
21 to attend the -- the marriage.

22 [14.05.46]

23 Q. How many couples were there when you got married? And where
24 was it?

25 A. There was only one couple. It was conducted in Takeo town.

1 Q. Thank you.

2 I would like to ask you another question concerning your
3 statement in which you indicated that there were people in Phnom
4 Penh, who were your relatives, who left Phnom Penh and returned
5 to your village and united with the Base People in the
6 cooperative.

7 Could you describe the living condition of the people who were
8 evacuated from Phnom Penh? Were they treated equally like those
9 who had remained in the village for a long time already?

10 A. I was not in Takeo for long to know that, so I don't know for
11 sure, but at that time people were asked to build dams, dig
12 canals, eat communally. And I would go there every now and then,
13 but it was very momentarily, and I would leave the premises
14 because I had other important fish to fry.

15 [14.07.55]

16 Q. You said Ta Mok called you to handle money, but actually you
17 did not do that. And by late -- that was by late 1975 or early
18 1976.

19 My question to you is: Why did you not handle the money as
20 instructed by Ta Mok? And you also saw money or currency, but
21 then you didn't handle it. Why?

22 A. I think everything ended when money was no longer circulated.
23 Why should I handle the money when it was not circulated?

24 Q. You said that the money was decided not to be circulated. Who
25 made this decision?

1 A. Well, my belief is that-- Later on, I noted that money was not
2 circulated, and I do not know who made the decision. I don't
3 think Ta Mok would be the one who made such decision. There must
4 have been a decision made from upper echelon, above him as well.
5 [14.09.54]

6 Q. Did Ta Mok ever discuss with you about the decision not to
7 circulate the money, for example the -- the discussion concerning
8 the decision by the top regarding the circulation of money?

9 A. I am very ambivalent on this because I just felt that later on
10 money was not circulated anymore and it was done secretly. And
11 there was no lectures in any meetings or sessions to learn this,
12 and money was not circulated. People shared the things like
13 kitchen utensils.

14 Q. Did you ever ask Ta Mok concerning the money issue? For
15 example, did you ever ask him why money was no longer circulated?

16 A. No, I never did that, I never asked him such question.

17 Q. Thank you. Were you aware -- or do you still recall you had
18 any discussion with him when Ta Mok was talking about the
19 transfer of people from one place to another, in particular when
20 you were close to him, working with him?

21 [14.12.01]

22 A. He did not talk much, but I heard from people at the sector
23 and province about this. After the evacuation took place, that I
24 heard people were talking about this. People at the districts and
25 the sectors were all talking about this.

1 Q. When you said that the district levels and the sector levels
2 people were talking about the evacuation, was the evacuation in
3 their discussion the one that was made after the 17th of April
4 1975 or another evacuation?

5 A. I don't remember the exact date they were referring to, but I
6 think it was not long after the liberation of Phnom Penh.

7 Q. I don't think I understand you correctly. You said that it was
8 not very long after the evacuation -- the liberation. You are
9 referring to which date?

10 A. (Microphone not activated)

11 [14.13.32]

12 MR. PRESIDENT:

13 Mr. Witness, could you please hold on? Wait until the mic is
14 activated before you can proceed with your response.

15 MR. KHIEV NEOU:

16 Please repeat your question.

17 BY MR. PICH ANG:

18 Q. You were mentioning about the evacuation, that you heard from
19 the people at the district level and the sector level. Was this
20 evacuation the one that happened after the 17 of April or at any
21 other date?

22 MR. KHIEV NEOU:

23 A. The evacuation in the discussion was more about the evacuation
24 after the 17th of April. The discussion was not really discussed
25 or made during the meetings; we just heard from one another. So

1 it is not really official.

2 [14.14.43]

3 Q. I have another question to put to you: Have you ever heard
4 anyone mention Krang Ta Chan?

5 A. If I ever heard, I could have forgotten it already. I,
6 perhaps, can remember the name, but I forget the story behind
7 this name. But Krang Ta Chan is still in my memory, but I just
8 don't remember the story attached to what happened at Krang Ta
9 Chan.

10 Q. I do not have more to ask you, just a few more points. I would
11 like to ask you concerning the transportation of materials from
12 one place to another.

13 My question is: Did you need to have a pass for transport of
14 materials from one place to another?

15 A. Every truck meant for transportation had to have -- I mean,
16 the driver had to have a pass, because every time, in that pass,
17 it stated clearly the number of people who would be going with
18 the truck, like four to five people, but there also was an open
19 pass, the pass that allowed more people to be loaded -- to go
20 along with the truck. Because, without the pass, we would have
21 problems, we would be -- the trucks would be stopped when it --
22 when they entered Phnom Penh.

23 [14.17.01]

24 Q. Could you also tell the Court who issued or authorized such
25 pass?

1 A. Sometimes, Ta Mok was the person who authorized the pass.
2 Sometimes, the committee would be the one who was tasked with
3 that. But with a few trucks, Ta Mok would never worry to do that;
4 he would allow others to help him.

5 Q. During the course of this transportation, to which provinces
6 had you ever been?

7 A. I had been to Kampong Chhnang. Then, when Ta Mok moved to
8 Battambang briefly for a while, I met him there as well on one
9 occasion. And for Takeo, it was the province where we would
10 travel a lot already because we were there. We never been to
11 Kampot province. I don't remember whether I had ever been to
12 Kampong Speu that time.

13 [14.18.50]

14 Q. What was your impression concerning the living conditions of
15 the people?

16 A. We only contacted the sector's economic section in the city;
17 we never reached the people at the base. So the goods or material
18 would be unloaded at the sector office, who managed to be
19 delivered -- to deliver them to the people, so I would never have
20 been in contact with the people to know that.

21 Q. Had you ever heard people who received the good or materials
22 delivered by you talk about the living conditions?

23 A. People would be talking about this -- about that, yes.

24 Q. Did you ever discuss about the people's living conditions to
25 the upper echelon, including Mr. Khieu Samphan when you met him?

1 A. I just talked to him about the shortage of the cloth, the
2 fabrics, and he said that there was no more coloured or dark --
3 or black, rather, fabrics other than the white cloth. And this is
4 the question I talked to him. And, yes, he wanted to know more
5 information about the village -- about the commune and villages,
6 but I said I did not know because I had to unload the goods or
7 material at the sector office only.

8 [14.21.28]

9 Q. When you met him on two occasions, did he happen to ask you
10 about the situation in the village and commune on those two
11 occasions or just on one occasion?

12 A. I think he only asked me about this on one occasion, and the
13 meeting was very brief, so he didn't talk much.

14 Q. I have my final question for clarification. In your statement
15 before the Co-Investigating Judges, the same document, D166/183
16 -- ERN in Khmer, 00355442; English, 00358143; French, 00408428.
17 In this document you indicated that:

18 "...perhaps in 1978, early 1978, I met Nuon Chea near the building
19 I stayed. He was in a car and he asked me to look for a
20 traditional musical instrument to rehearse for the radio
21 station."

22 My question is: Do you still recollect who managed the radio
23 station that you referred to?

24 [14.23.56]

25 A. At that time, I didn't know.

1 But I wish to also elaborate that the musicians were collected by
2 Ta Mok, and I had to transport them. And when there was a
3 shortage of traditional musical instruments, and I learned that
4 there were some musical instruments in the State warehouse, so I
5 talked about this to the musicians, that the equipment were
6 there, then they should make a request. And I don't know why this
7 information got to Nuon Chea.

8 And on one occasion, he stopped the car and he approached me when
9 I was walking out from the place. He asked me that I -- whether I
10 knew something about the musical instruments. Then I said yes,
11 that the musical instruments were in -- stored in the warehouse.
12 And that's all. And he asked about the head of the post -- the
13 head of the administration post. And we parted ways after 1979,
14 but we met again at Aoral. However, I don't know who were the
15 heads.

16 Q. I have the last question to you: Could you tell us, regarding
17 the Southwest commerce section, what was the relation -- what was
18 the relationship between this Commerce of the Southwest and the
19 Ministry of Commerce?

20 [14.26.25]

21 A. In each zone, there would be an economic section which was
22 classified according to the proportion of the population in each
23 zone. Then letters would be issued to the transportation unit to
24 transport materials for their respective locations. I think by
25 answering this I already forgot your question.

75

1 Q. I would like to ask you about the commerce section in the
2 Southwest Zone, under which structure this section belonged to,
3 whether it belonged to the Ministry of Commerce or it belonged to
4 the Southwest Zone itself?

5 A. State structure was well connected to the structure of the
6 Southwest. It was -- decision was made from the State. Then the
7 letter would be issued from the State section, and then I would
8 be called to pick up that letter. So both the State and the zone
9 had a common agreement before a letter was issued.

10 [14.28.00]

11 Q. You referred to the State section. So who were in the State
12 you're referring to?

13 A. I contacted Mr. Roeung, the head of the State warehouse, and I
14 think that the Ministry of Economy, perhaps, was under
15 supervision of Mr. Vorn Vet, but when it comes to the warehouse,
16 it was Mr. Roeung whom I contacted. Mr. Roeung passed away
17 already.

18 MR. PICH ANG:

19 Thank you, Grand-Uncle. And thank you, Mr. President and Your
20 Honours. May I now share the floor with my colleague to put
21 further questions to him? Thank you.

22 MR. PRESIDENT:

23 You may proceed.

24 [14.29.15]

25 QUESTIONING BY MR. NEKUIE:

1 Yes, Mr. President. I have only one single question of
2 clarification to put to the witness, that's all.

3 Q. Witness, you have asserted several times that in Vorn Vet's
4 absence, Khieu Samphan would replace him. And Judge Lavergne
5 indicated to you -- or reminded you, in any case, what you had
6 said to the investigators of the OCIJ, and he reminded you of
7 this particular sentence: "After Vorn Vet's disappearance,
8 towards 1977, Khieu Samphan succeeded him as head of Foreign
9 Commerce." That's the end of the quote.

10 So I simply would like to--

11 MR. PRESIDENT:

12 (No interpretation)

13 [14.30.22]

14 MR. VERCKEN:

15 Thank you, Mr. President. I object to this question because I
16 took the trouble of asking your Chamber to transcribe the
17 recording of this witness's interviews with the investigators of
18 the OCIJ, and we obtained the audio recording, and I read out the
19 transcription of it because Judge Lavergne, as well as the
20 President, allowed me to do so.

21 So it seems to me that out of proper etiquette vis-à-vis the
22 "témoin" - vis-à-vis the witness, [corrects interpreter], who
23 furthermore stated before the Chamber that he does not recognize
24 everything that was read out to him when this record of interview
25 was read out to him. However, I believe that it's the transcript

1 of the audio recording that should prevail, and the witness
2 should not be constantly reminded of a written record that's
3 simply a translation by the investigators, which is not correct,
4 of what he might have said, which is simply the summary of an
5 interview, whereas we have an audio recording which is faithful.
6 So I can contest to the fact that the witness is constantly
7 presented with a translation or a re-transcription by the
8 investigators, whereas we do have the original audio recording.

9 [14.32.17]

10 MR. PRESIDENT:

11 The Prosecutor, you may proceed.

12 MR. ABDULHAK:

13 Your Honours, I'm reluctant to intervene, but I do think my
14 learned friend is stretching the logic a little bit here.
15 When I asked the question earlier, the witness confirmed that he
16 thought Khieu Samphan took over from Vorn Vet. Whatever is on the
17 tape, the witness just said the same fact and, to be fair, he
18 said that was the conclusion he drew. There was no official
19 record, but he confirmed that assertion on his part.
20 Now, what we have is a partial transcript, and it appears that
21 those words were not spoken in that section that we have, but it
22 is a partial transcript and apparently parts of the recording
23 were inaudible.
24 In these circumstances, I think it's both appropriate and, in
25 fact, necessary to ask the witness what his evidence is, and

1 that's what my friend, counsel for the civil parties, is doing.

2 I think the objection is completely out of place.

3 [14.33.27]

4 MR. PRESIDENT:

5 The International Lead Co-Lawyer for the civil parties, you may
6 proceed.

7 MR. NEKUIE:

8 Thank you, President. I believe that the Co-Prosecutor has just
9 addressed the objection raised by my friend across the way.

10 Regardless of the contents of the audio recording, the defence of
11 Mr. Khieu Samphan has the discretion to quote that document when
12 it comes their time for questioning.

13 Now, it is very clear that, based on the transcripts that we all
14 dispose of, the witness stated to the Co-Prosecutors that, when
15 Mr. Vorn Vet was absent, it was indeed Mr. Khieu Samphan who
16 acted in his absence. I think that this has been made abundantly
17 clear and cannot be contested by my learned friend.

18 [14.34.26]

19 Judge Lavergne has also indicated to the witness and asked him to
20 confirm his statements made previously before the

21 Co-Investigating Judges. I'm simply asking the witness if he
22 stands by the same statements or if he has anything to rectify.

23 If we may, we simply want to conclude our cross-examination in
24 the most efficient manner possible. The Defence is attempting to
25 preclude all opportunities for the civil parties to carry on our

1 work, when we are simply posing a question of clarification.

2 MR. PRESIDENT:

3 The objection by the international defence counsel for Khieu
4 Samphan is denied.

5 The International Lead Co-Lawyer, you can proceed with your
6 question to this witness.

7 BY MR. NEKUIE:

8 Thank you, Mr. President.

9 [14.35.32]

10 Q. Witness, I simply want to ask you to help us understand your
11 statements. Judge Lavergne asked you whether, during your
12 interview with the investigators of the Co-Investigating Judges
13 -- if, after the disappearance of Vorn Vet, Khieu Samphan had
14 succeeded him as the head at Foreign Trade; do you confirm that
15 assertion or do you deny it? That is my question.

16 MR. KHIEV NEOU:

17 A. If I made a mistake earlier, I'd like to clarify that. It is
18 my assertion; there is no official record. Because what I said
19 based on what I saw. I saw him there, and that's what I said. And
20 if there is any mistake in that, I would apologize and would
21 amend it because I am already old, and maybe my memory doesn't
22 serve me well. However, the statement that I made earlier is my
23 personal assertion. There is no official record or - record in
24 the form of -- equivalent to a judicial record. This is just my
25 personal assertion.

1 [14.37.13]

2 Q. Witness, we understand that this is your personal opinion, but
3 according to you, did Mr. Khieu Samphan replace Mr. Vorn Vet
4 following Vorn Vet's disappearance? Can you please tell this
5 Chamber, in the most specific, unambiguous terms possible, if
6 this is what you witnessed?

7 MR. PRESIDENT:

8 Mr. Witness, you do not need to respond to this question. You do
9 not need to provide your conclusion or guesstimation. You can
10 provide your response based on what you have experienced, have
11 heard or have seen.

12 [14.38.06]

13 BY MR. NEKUIE:

14 Thank you, President.

15 Q. Based on what you have just said, I will rephrase my question:
16 Witness, based on your experience, did you see Mr. Khieu Samphan
17 replace Mr. Vorn Vet following his disappearance?

18 MR. VERCKEN:

19 Objection, Your Honour.

20 My learned friend has not taken into consideration your remarks.
21 He has not reformulated his question at all. I believe that this
22 is a repetitive question, and in fact, it's a leading question
23 and an invitation for the witness to lay out his assumptions.

24 [14.38.41]

25 MR. NEKUIE:

81

1 I have taken into consideration your ruling, Mr. President. I am
2 reformulating my question. I am just asking the witness if, based
3 on his observations, based on his experience and not based on his
4 personal opinion, if -- whether or not Mr. Khieu Samphan had
5 replaced Mr. Vorn Vet following Vorn Vet's disappearance.
6 If the Chamber believes that I have distorted his statements,
7 then I will oblige by your ruling, but I have indeed taken into
8 consideration your remarks and I have reformulated my question. I
9 am simply asking him very directly if, based on his experience,
10 based on his personal observations -- if indeed Mr. Khieu Samphan
11 had replaced Mr. Vorn Vet after his disappearance.

12 MR. PRESIDENT:

13 The objection is overruled.

14 [14.39.37]

15 Mr. Witness, please respond to the last question put to you by
16 the International Lead Co-Lawyer for civil parties.

17 MR. KHIEV NEOU:

18 Could you please repeat your last question?

19 BY MR. NEKUIE:

20 Q. Yes, Witness. My question is this. I'm inviting you to tell
21 this Chamber if, based on your personal experience, based on the
22 observations that you made -- whether Khieu Samphan replaced Vorn
23 Vet after Vorn Vet's disappearance. That is my question to you.

24 MR. PRESIDENT:

25 Mr. Witness, please respond to this question.

1 As for the national defence counsel, the Chamber has ruled
2 regarding this matter. You may stand on your feet if there is
3 something else new.

4 [14.40.54]

5 MR. KHIEV NEOU:

6 Could you please repeat the question again?

7 BY MR. NEKUIE:

8 Q. Yes, Witness. My question is as follows: Following the
9 disappearance of Mr. Vorn Vet, did Mr. Khieu Samphan, based on
10 your memory, based on your experience, and based on your own
11 personal observations -- the individual who replaced Vorn Vet? Is
12 my question clear to you?

13 MR. KHIEV NEOU:

14 A. The question is clear now. I stand by my previous statement
15 that it is my assertion that there is no official record. It is
16 my assertion that he replaced him then. But, of course, there is
17 no evidence that I have in hands to prove that.

18 [14.42.19]

19 MR. NEKUIE:

20 Thank you very much, Witness, for those clarifications. The civil
21 party lawyers hereby conclude our cross-examination. We now defer
22 to the counsel for the Defence to carry out their duties.

23 MR. PRESIDENT:

24 Regarding to which party the floor shall be given to is the
25 decision of the Chamber. You don't need to remind the Chamber of

1 that.

2 The Court will recess for 20 minutes and reconvene at 3 p.m.

3 Court Officer, could you assist the witness during the recess and

4 have him back in the courtroom at 3 p.m.?

5 THE GREFFIER:

6 (No interpretation)

7 (Court recesses from 1443H to 1500H)

8 MR. PRESIDENT:

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

10 We would like to hand over to counsels for Nuon Chea to put

11 questions to this witness. You may now proceed.

12 [15.01.33]

13 Counsel, please hold on.

14 Judge Lavergne, you may now proceed.

15 QUESTIONING BY JUDGE LAVERGNE:

16 Yes. Thank you, Mr. President. I won't be very long; I just have

17 a few questions to put to the witness.

18 Q. Witness, you spoke to us about Ta Mok. You said that he was

19 born in the same village as you and, if I understood correctly,

20 he was also a monk in the same pagoda as you. Can you tell us a

21 bit, what kind of relationship you had with Ta Mok? Is he someone

22 who was -- just someone you knew as an acquaintance, or was he

23 among your friends, or was he someone in your family?

24 [15.02.33]

25 MR. KHIEV NEOU:

1 A. Ta Mok was in the same village as I am and he also related to
2 me. He was born in his home village, but grew up with his
3 grandmother at the Cheang Tong village, Kakeab (phonetic)
4 commune, so I had not been very closely related to him back then.
5 When he was a monk, I was still at a very young age. I had not
6 been in close contact with him. Only after he left his monkhood
7 that I been very close to him, doing farming together.

8 Q. So you frequently spoke to him. Did he educate you, in terms
9 of political doctrine -- in terms of the political doctrine of
10 the Communist Party of Kampuchea?

11 A. After the Geneva Conventions, he quitted the Issarak Movement
12 and lived in the community as ordinary person, but he tried to
13 explain and convince one another. I convinced him based on
14 Buddhism, when he convinced me on his doctrine. However, we were
15 adamant. We were not easily convinced. However, at later date,
16 when he had more power, I was convinced. But still, my belief, my
17 background in Buddhism would never be convinced. I still am
18 superior to him in terms of this.

19 [15.05.15]

20 Q. Did he tell you if there were enemies, enemies to the
21 revolution, and who were these enemies?

22 A. He talked based on the Communist theory. He said anyone
23 opposed the Communist were all enemies.

24 Q. And was this something that he implemented, according to you,
25 on the base of what you might have seen, on the base of your

1 experience?

2 A. Could Your Honour repeat the question, please?

3 Q. Yes. If I understood properly what you said, you said that Ta
4 Mok -- or according to Ta Mok, anyone who was opposed to the
5 revolution was an enemy. Did he tell you what you were supposed
6 to do with these enemies? Were you obliged to implement a certain
7 kind of policy in relation to the enemy?

8 A. He said enemies who opposed had to be attacked, and we had to
9 attack one another. That's what he emphasized.

10 [15.07.23]

11 Q. And, concretely speaking, what did this mean? What were the
12 consequences of these directives?

13 A. There was no influence of such thing on me in person. However,
14 it was, in the case of other people, because he could convince a
15 lot of people until he could take control -- or hold a position
16 of authority during the three-year period. And I was not given
17 any authority but I was engaged in the circle.

18 Q. So I will be a bit more specific. So, according to you, when
19 Ta Mok said to you you had to attack the enemies, did it mean
20 that you had to eliminate them, kill them -- eliminate them
21 physically, that is to say?

22 [15.08.50]

23 A. When it comes to attack, mean fighting, mean grabbing power
24 from one another. So, when I was referring to the attack, it
25 means fighting, means striving for power.

1 Q. Now, another question, Witness. Regarding Nuon Chea, you
2 explained, during your questioning by the OCIJ, that you had met
3 Nuon Chea, that you were in Phnom Penh then, and that Nuon Chea
4 was looking for traditional musical instruments. And you also
5 said that you met Nuon Chea through Ta Mok. Can you tell us when
6 you met Nuon Chea for the first time? And what did Ta Mok tell
7 you regarding Nuon Chea?

8 A. I did not meet Nuon Chea through Ta Mok. Ta Mok was not there
9 when I met him. But Nuon Chea knew where I worked, who-- He
10 stopped his car there and asked me about the musical instruments
11 and asked me to look for them.

12 Q. So, if I understood correctly, Nuon Chea came to see you
13 because Ta Mok told him to come to see you.

14 [15.10.50]

15 A. It was not from Ta Mok, it was from the musicians, musicians
16 that -- gathered by Ta Mok to work for a radio station. Ta Mok
17 gathered these musicians, and they reported to Nuon Chea about
18 this. These musicians were transported from Takeo upon order from
19 Ta Mok. So I can say that these musicians were sent from Ta Mok
20 and they reported to Nuon Chea. Asking about these musical
21 instruments, that's why Nuon Chea approached me.

22 Q. So, now, let me get to the last question that I asked you,
23 which concerns your responsibilities in Phnom Penh. We understood
24 that you were part of an economic unit that depended on the
25 Southwest Zone. So, concretely speaking, who were your superiors?

1 Was Ta Mok your superior, or was it the Ministry of Commerce, or
2 was it both?

3 A. The commerce for the zone was in charge -- or under the direct
4 order from Ta Mok. Ta Mok was the head.

5 Q. And did Ta Mok interact with the Ministry of Commerce through
6 you or did he interact directly with the Ministry of Commerce?
7 How were things organized?

8 [15.13.02]

9 A. The State warehouse had sections in the Southwest Zone, and if
10 materials had to be delivered, then there would be letters of
11 authorization to transport the materials, except the materials
12 that had to go through request, that the zone would make such a
13 request. If the normal or the routine delivery of materials, then
14 that would only be stated in the letters of authorization.

15 Q. I would like to understand a bit more specifically what you're
16 saying. You spoke to us about office K-22. Who was heading office
17 K-22? And what was this person's role?

18 A. Sen was my nephew by marriage, who was my - who was the head
19 of K-22. When I asked more, he said he was working with Khieu
20 Samphan. I don't know what his function or authority was.

21 [15.14.46]

22 Q. So is this the nephew you were speaking about earlier, when
23 you said that, in an informal manner, you had tried to contact
24 Khieu Samphan and to inform him of the needs of the population of
25 Kandal province? Is this the same nephew you're referring to, the

1 Sen (phonetic) who was at the head of K-22?

2 A. His full name is Son Sen (phonetic). I cannot say he was the
3 head, however, but he was my nephew by marriage, and I contacted
4 him directly, and he reported to the upper echelon.

5 Q. So, on the case file, we have a certain number of documents
6 that were produced already before the Chamber. This is document
7 E3/1236, E3/1232, and E3/1228. These documents are reports,
8 weekly reports that apparently come from the Ministry of Commerce
9 and that describe -- or that list the quantities that would come
10 in and come out of the warehouses -- out of the State warehouses,
11 as well as the quantities of rice. We speak here about paddy --
12 sticky paddy, rice, and different qualities of rice and sugar.
13 [15.16.49]

14 And I note that, on this document, there is the date of the
15 decision -- I don't know if it's a decision to authorize products
16 coming in or leaving the warehouse -- and beyond the date, we
17 often see the reference "K-22".

18 So my question is: Did any product leaving -- and rice in
19 particular -- the State warehouse had to be approved by K-22?

20 A. I do not know things happened under the State supervision. I
21 have no idea about this because I worked at the zone.

22 Q. Yes, but earlier on, you said that when you had to transport
23 supplies from the State warehouse to the provinces, you were
24 required to have a permit or a letter allowing you -- or allowing
25 the warehouse to have these products supplied. So who was the

1 person producing this letter? Who gave you the permission?

2 [15.18.40]

3 A. Some were from K-22. I do not remember the person who signed
4 on the letters. I never take good notice of the letters because
5 the drivers would just pick the letters and presented them to
6 people concerned so that materials were allowed to be loaded and
7 delivered. So I could not remember the signatures and names. And
8 it was part of routines, and I took it for granted.

9 Q. And the person in charge of the warehouse, was it Comrade -
10 Comrade Roeung?

11 A. This person is Roeung, not Roeun.

12 Q. Apologies.

13 Were there many warehouses in Phnom Penh? And in the warehouses
14 was there only rice or anything else?

15 [15.20.00]

16 A. I don't remember how many, but I believe that there were many,
17 and I don't know what else was stored in the warehouses. But
18 those who were in charge of transporting the goods or materials
19 would be the drivers, who carried with them the letters of
20 authorization. But I do not know where the warehouses were
21 located, and I just don't remember exactly where each warehouse
22 was located.

23 Q. Did you ever organize the delivery of rice from these State
24 warehouses to Kampong Som?

25 A. Only when transportation was meant to be to the zone that the

1 zone was in charge. If it was to be delivered -- if the goods or
2 materials had to be delivered to the province, in particular
3 Kampong Som, then the State section would be in charge. And there
4 were also train that could be used to transport those materials.
5 I think, when it comes to the delivery of materials to Kampong
6 Som or back to Phnom Penh, it was under the supervision of the
7 State, not the zone.

8 [15.22.03]

9 Q. So your role, therefore, was strictly limited to transporting
10 from the Southwest Zone to Phnom Penh and from Phnom Penh to the
11 Southwest Zone, that's all; is that correct?

12 A. Yes, it is correct.

13 JUDGE LAVERGNE:

14 Thank you. I have no further questions.

15 MR. PRESIDENT:

16 Thank you. Without any further questions from the fellow Judges
17 of the Bench, we would like to hand over to counsels for Mr. Nuon
18 Chea to proceed with their questions if they wish to do so.

19 [15.22.57]

20 MR. PESTMAN:

21 Thank you very much, Mr. President.

22 Before I proceed with our questions, I would like to say
23 something in support of what counsel for Ieng Sary (sic) has said
24 earlier this afternoon about the transcriptions, the
25 transcription we received of the interview the witness gave in

1 2009. And I'm talking about document D166/183.1.

2 I compared the first four pages of the transcription with the
3 original interview, the summary, which is in the file, the
4 written records of the witness interview, and I must say I'm
5 quite shocked about the comparison, about the level of the
6 interview, the way the interview was conducted, and the way the
7 interview was summarized.

8 It is difficult to describe what happened as an interview. It's
9 more chaotic than that. It is like a conversation between one
10 investigator and the witness and it is so chaotic that, as a
11 result, it is practically impossible to reconstruct what
12 information came from the witness and what information was fed to
13 the witness by the investigator.

14 [15.24.26]

15 And the other problem with -- which occurs is that the summary
16 itself -- I'm not talking about the way the interview was carried
17 out, but the summary itself -- is also inaccurate, if not
18 misleading. It is in fact not a summary, but what I would call a
19 highly personal interpretation of what I described as a chaotic
20 conversation.

21 And I only compared four pages with a very short passage in the
22 written interview.

23 As a result, we submit that this written record, although it does
24 not contain much relevant information about our client, although
25 it is admitted and put before the Chamber, it cannot be relied

1 upon. I don't think that any weight can be attributed to this
2 particular written record. As we submit, it is simply too
3 unreliable. That's the first thing I wanted to say.

4 [15.25.40]

5 The second thing, the second point I wanted to make or question I
6 had is whether the Trial Chamber has decided on our request --
7 Rule 87 request we filed on the 19th of July and which has been
8 given number E210. Without a decision on this particular request
9 in which we ask -- or in which we put two new documents before
10 the Chamber, we cannot continue. So I'm awaiting instructions
11 from the Bench.

12 MR. PRESIDENT:

13 Co-Prosecutor, you may now proceed.

14 MR. ABDULHAK:

15 Your Honours, briefly, in response to that application, we
16 disagree with our learned friend.

17 What we have, as I indicated earlier, is a short excerpt from a
18 longer interview. The witness statement, of course, is a summary.
19 It is difficult to assess exactly the accuracy, particularly as
20 my friend did, with only four pages of what would be a much
21 longer document. But more to the point perhaps, we've all
22 listened to the witness here today and yesterday, and I think,
23 when you look at the record -- I think it stands. Its accuracy,
24 by and large, is confirmed by the witness.

25 [15.27.19]

1 Witnesses that testify to important matters are brought before
2 the Chamber so they can give more comprehensive evidence and so
3 they can be examined, and that's exactly what happened here. We
4 heard additional evidence on a number of matters. But I do not
5 think that a submission that the summary is inaccurate or
6 inconsistent or biased stands at this point. If anything, it's
7 largely consistent with what the witness has said in Court.

8 (Judges deliberate)

9 [15.31.08]

10 MR. PRESIDENT:

11 I would like to give the floor to Judge Cartwright to respond to
12 the query and issues raised by the defence counsel for Nuon Chea.

13 JUDGE CARTWRIGHT:

14 Well, thank you, President.

15 In relation to document E210, the Trial Chamber received this
16 yesterday. There is no need for the Nuon Chea defence team to
17 reiterate its regular objections to the Chamber's ruling. We
18 fully understand your concerns.

19 In relation to this document, however, when you advise the
20 Chamber if any of the documents that you wish to use in examining
21 this witness -- whether any of those documents have been put
22 before the Chamber or are in any party's list, then we will rule
23 on this matter. That is a matter for you to do the research on,
24 and we await that information. You may be able to give it to us
25 immediately.

1 [15.32.21]

2 Thank you, Mr. Pestman.

3 MR. PESTMAN:

4 You know, Your Honours, we have no lists, so these documents are
5 certainly not on our list.

6 I believe that one of those documents was on the list produced by
7 the prosecutor, and the other one wasn't.

8 But as you know, we have consistently taken the position that it
9 is not relevant whether this document is on a list, so we don't
10 feel obliged to provide the Trial Chamber with this information.

11 MR. PRESIDENT:

12 Judge Cartwright, yes, proceed.

13 [15.33.09]

14 JUDGE CARTWRIGHT:

15 Thank you, President.

16 You have been directed to comply with the ruling and to inform
17 the Chamber whether the documents you wish to use have been put
18 before the Chamber or are in any party's list. The Chamber is
19 well aware that the Nuon Chea defence has not supplied
20 comprehensive lists of documents. Thank you.

21 Are you able to give this information immediately? Because I do
22 not want to keep doing your research for you or to ask the other
23 parties to do so.

24 [15.34.15]

25 MR. PESTMAN:

1 Your Honour, IS 19.200 is on the list produced by the prosecutor,
2 and the other one isn't. So IS 19.203 is not on the list -- or on
3 any list.

4 MR. PRESIDENT:

5 Judge Cartwright, please proceed.

6 JUDGE CARTWRIGHT:

7 Thank you. In that case, you may refer to document IS 19.200, but
8 not to IS 19.203. You may proceed.

9 MR. PESTMAN:

10 Thank you, Your Honour. I could hear what you were saying but not
11 through my headphones. This is the third headset that--

12 [15.35.08]

13 JUDGE CARTWRIGHT:

14 Can you hear me across the courtroom without that assistance, Mr.
15 Pestman? Mr. Pestman, can you hear me--

16 MR. PESTMAN:

17 Yes.

18 JUDGE CARTWRIGHT:

19 --without that assistance? You may refer to IS 19.200, but not to
20 IS 19.203.

21 [15.35.48]

22 MR. PESTMAN:

23 Thank you, Your Honour. I understood even without the help of my
24 headphones.

25 I wish to note that these documents should be seen together, and

1 I do not wish to deal only with one document. I want to
2 cross-examine this particular witness on the basis of both
3 documents, which support each other and which, in our view,
4 contain important exculpatory information. And we are now barred
5 from using that information to cross-examine this witness.
6 So I'm forced to give the floor to the Khieu Samphan team. And
7 we'll try to submit this evidence again, and hopefully we'll be
8 allowed to do so next time.

9 MR. PRESIDENT:

10 Thank you, Counsel, for clearly stating your position.
11 The floor is now given to Ieng Sary's defence team to put
12 questions to this witness.

13 [15.37.00]

14 MR. ANG UDOM:

15 Good afternoon, Mr. President, Your Honours. Good afternoon,
16 learned colleagues and everyone in and around the courtroom. Good
17 afternoon, Mr. Khiev Neou. My name is Ang Udom, the co-defence
18 counsel for Ieng Sary.

19 At this juncture, I do not intend to put any questions to you. On
20 behalf of Ieng Sary, I thank you for providing the testimony to
21 this Court and ascertaining the truth and I wish you a safe
22 journey back home.

23 Thank you, Mr. President.

24 MR. PRESIDENT:

25 Thank you.

1 We will now give the floor to Khieu Samphan's defence team to put
2 questions to this witness. You may proceed.

3 [15.38.00]

4 MR. KONG SAM ONN:

5 Thank you, Mr. President. Good afternoon, Your Honours. Through
6 hearing the testimony of this witness, he clearly states his
7 position, and we, the defence team for Khieu Samphan, do not have
8 any questions to be put to him.

9 MR. PRESIDENT:

10 Thank you, Counsel.

11 Mr. Khiev Neou, the proceeding to hear your testimony has
12 concluded now. We thank you very much for your valuable time to
13 testify during these two days with patience and best effort as
14 part of your contribution to ascertaining the truth in this case.
15 You are now excused and you can return to your residence or
16 wherever you wish. And we wish you a safe journey.

17 Court Officer, could you assist the witness, with the WESU
18 section, for his returning to his residence?

19 (Witness exits courtroom)

20 [15.39.30]

21 The proceeding today has come to -- almost to an end. However,
22 before the adjournment, the Chamber would like to issue the
23 following warning.

24 During the proceeding in Case 002/01, the Chamber has observed a
25 consistent pattern of misconduct by the Nuon Chea defence, and in

1 particular by the international members of the team. This
2 misconduct has included -- but not been limited to -- wilful
3 violation of the Chamber's orders and authorized disclosure to
4 the press of confidential or strictly confidential material and
5 statements in Court which are disrespectful of the Court or which
6 otherwise do not accord with the recognized standards and ethics
7 of the legal profession.

8 In consequence, the Chamber provides notice that these and other
9 examples of misconduct will be brought to the attention of the
10 relevant national bar associations for appropriate action,
11 pursuant to Internal Rule 38.

12 The Trial Chamber also issues a formal warning in accordance with
13 Internal Rule 38.1 and notes that it may invoke the procedures
14 set out in that rule, independently of any action taken by
15 individuals bar associations.

16 [15.41.42]

17 The proceeding today has come to an end. The Court will recess
18 and reconvene on the 16 of August 2012 - rather, July 2012,
19 starting from 9 a.m.

20 We will hear the testimony of expert David Chandler on that day.

21 Security guards, you are instructed to bring the three Accused
22 back to the detention centre and have them back here on Monday,
23 the 16th of July 2012, before 9 a.m.

24 The Court is now adjourned.

25 THE GREFFIER:

- 1 (No interpretation)
- 2 (Court adjourns at 1542H)
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