



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

7 December 2012  
Trial Day 137

Before the Judges: NIL Nonn, Presiding  
Silvia CARTWRIGHT  
YA Sokhan  
Jean-Marc LAVERGNE  
YOU Ottara  
THOU Mony (Reserve)  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ABDULHAK	English
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
MR. HUN CHHUNLY (TCW-247)	Khmer
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MR. VEN POV	Khmer

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 During today's sessions, the Chamber continues hearing the

6 testimony of Dr. Hun Chhunly.

7 Greffier of the Trial Chamber is now instructed to report on the

8 current status of the parties to the proceedings.

9 THE GREFFIER:

10 Good morning, Mr. President and Your Honours. All the parties to

11 the proceedings are present, except Mr. Ieng Sary, who is

12 present, but in his holding cell, due to his health concerns.

13 [09.06.16]

14 Mr. Ang Udom, the national co-counsel for Mr. Ieng Sary, will be

15 arriving at the Court rather late today.

16 The witness, Mr. Hun Chhunly, who gives testimony today, is

17 present.

18 And there is no reserve witness.

19 MR. PRESIDENT:

20 Thank you.

21 Next we would like to hand over to the Prosecution to continue

22 putting questions to this witness.

23 Before this, the Chamber would like to remind parties to the

24 proceedings, in particular the Co-Prosecutors and civil party

25 counsels, that you will have the first sessions - first section

2

1 of the trial to finish the questioning -- indeed, you have until  
2 the first break of this morning - and that your questions must  
3 always be in the scope of the relevant facts in Case File 002/01  
4 concerning the policy of the evacuations and the administrative  
5 structures at the local level.

6 [09.07.36]

7 QUESTIONING BY MR. ABDULHAK RESUMES:

8 Thank you, Mr. President. Good morning, Your Honours. Good  
9 morning, Dr. Chhunly. As you heard from the President, we have  
10 limited time, so I'll ask you, please, to keep your answers as  
11 brief as possible, as we have a few areas to finish this morning.

12 Q. We were discussing yesterday the disappearances of some of the  
13 cadres in the Northwest Zone and the changing authority structure  
14 resulting.

15 I wish to discuss another related point which you also described  
16 in your book. This is at Khmer ERN 00678865, English ERN  
17 00369758. And just for today's transcript, the document number is  
18 D313/1.2.8.

19 This passage follows the discussion we had yesterday about the  
20 enemies inside the Party, and it reads as follows - quote:

21 "Another great surprise was an official announcement by the Khmer  
22 Rouge cadres of the removal of Hu Nim, Minister of Information. A  
23 labourer, who was known as Hun Nim's relative, was taken away.  
24 The Khmer Rouge cadres were also continuously removed and  
25 replaced, the newcomers calling traitors their predecessors."

1 [09.09.39]

2 Now, I wish to focus only on the announcement in relation to Hu  
3 Nim, the Minister of Information. Could you tell the Court where  
4 you heard this – this announcement?

5 MR. HUN CHHUNLY:

6 A. I heard this announcement that Hu Nim, the former minister,  
7 was removed. It was at night. After the labour work of the whole  
8 day, we were convened to a meeting in which announcement was made  
9 concerning the removal of Minister Hu Nim. I heard this, and  
10 everyone in the meeting also bore witness to this announcement.

11 Because the Khmer Rouge would allow labourers to work during the  
12 daytime, and in the evening we would be convened to meetings.

13 Q. Thank you very much for clarifying that point.

14 Now, if I can move on to another area you discussed with my  
15 colleague yesterday, and it is the speech that you heard on the  
16 radio, I believe, a speech by Khieu Samphan, a reading-out of the  
17 new Constitution.

18 Can I ask you first – you said to us that you knew Mr. Khieu  
19 Samphan when he was in charge of the newspaper in Phnom Penh,  
20 "L'Observateur". Can you tell us how it was that you came to know  
21 Mr. Khieu Samphan in that – in that period?

22 [09.11.54]

23 A. I knew Mr. Khieu Samphan in his capacity as an intellectual  
24 and the head of the "L'Observateur" newspaper. I did not really  
25 have good contact or close relation with him in any way.

4

1 And Mr. Khieu Samphan read the Constitution. In his reading, he  
2 linked to then Prince Norodom Sihanouk. At that time, the head of  
3 the military hospital – there was another meeting convened by the  
4 head of the hospital, where medical staff would be asked to  
5 surround the radio where – when it was tuned into the – a  
6 channel, and that we heard announcement in Khmer which read that  
7 King Norodom Sihanouk resigned as head of State. And then we  
8 heard that Mr. Khieu Samphan was then installed as the President  
9 of the State Presidium.

10 Then he proceeded to read the 25-article Constitution that – I  
11 remember only two of them, one of which is that people were  
12 allowed to follow any religion of their choice, and that he also  
13 was reading another article which is about the rights of both –  
14 of all Cambodian citizens, who can have the right to access to  
15 all job opportunity.

16 [09.13.55]

17 Q. Thank you.

18 We have available to us a transcript which is dated the 5th of  
19 January 1976, and it contains text of a speech that is attributed  
20 to Mr. Khieu Samphan.

21 Mr. President, with your permission, I'd like to read a very  
22 brief excerpt from this document and see whether the witness  
23 recognizes it as the speech that he heard. This is Document  
24 E3/273. It is, as I said, a 5th of January 1976 transcript of a  
25 speech attributed to Mr. Khieu Samphan. I propose to read a very

5

1 brief passage and see whether the witness recognizes that.

2 [09.14.46]

3 MR. PRESIDENT:

4 You may proceed.

5 Court officer is now instructed to obtain the hard copy from the  
6 Co Prosecutor for the witness if it is available.

7 MR. ABDULHAK:

8 I do apologize. We didn't prepare one, simply because it's not a  
9 document that the witness has seen before, but we can display it  
10 on the screen and I can read, if that's acceptable.

11 MR. PRESIDENT:

12 As you indicated that the witness had not seen the document  
13 before, how could it be that he should be asked to examine it,  
14 because it has already been the rule that if a document that is  
15 not known to the witness previously then it should not be shown  
16 to him or her.

17 [09.15.44]

18 MR. ABDULHAK:

19 Mr. President, in accordance with that instruction I was not  
20 proposing to show him the document, but as Your Honours would  
21 recall, in instances such as this where there is a nexus between  
22 the document and the evidence already given, there is a  
23 foundation to simply verify whether the contents of the document  
24 are the same contents which the witness has heard before. And so  
25 I'm not proposing to show him the document, I wish to only read a

6

1 brief excerpt and see whether those words are the same words that  
2 he heard and has been describing for us.

3 MR. PRESIDENT:

4 You may proceed.

5 BY MR. ABDULHAK:

6 I'm grateful, Mr. President.

7 [09.16.31]

8 Q. Dr. Hun Chhunly, I will read brief passages and see whether  
9 you recognize them. They commence at Khmer ERN 00657436, French  
10 ERN 00725795, and English 00167810. It's entitled, Text of Deputy  
11 Prime Minister Khieu Samphan's Report on the New Draft  
12 Constitution Delivered on 14 December 1975, Third National  
13 Congress in Phnom Penh, Recorded, and these are the passages that  
14 I wish to discuss with you -- quote:

15 "In preparing this constitution, we forward step by step to  
16 overthrow the traitorous administration which was the fruit of  
17 the aggressive culture of the U.S. imperialists and their  
18 lackeys, the traitorous Lon Nol-Sirik Matak-Son Ngoc Thanh  
19 clique. We overthrew this traitorous administrative power from  
20 one village to another, from one commune to another, from one  
21 district to another, until we ousted it throughout the country."  
22 And then the two articles that I wish to read. The first passage  
23 is as follows -- quote:

24 [09.18.07]

25 "All our citizens enjoy the right to employment, thus

7

1 unemployment does not exist in our Democratic Cambodia."

2 And then next passage a little bit further down -- quote:

3 "Chapter 15, Article 20 stipulates that our people have the right

4 to practice whatever religion they like and the right not to

5 practice any religion at all. This is a new freedom for our

6 people. Also, as stated in our constitution, our stand is not to

7 allow any foreign Imperialists to use religion to subvert us."

8 And I'll stop there.

9 Dr. Hun Chhunly, just based on the words that you've heard, and

10 if you recall, is that the speech that you heard on the occasion

11 that you have been describing for us?

12 MR. HUN CHHUNLY:

13 A. First, allow me to say that I have never heard of this

14 document before and that the speech in which then Prince Norodom

15 Sihanouk resigned was not long. It was brief, clearly written in

16 Khmer and French, and the speech that referred to the

17 constitution was also rather short, but I have never seen this

18 document before.

19 [09.19.51]

20 Q. I do understand that; if I can just clarify very briefly.

21 The words that you heard, the words that I read out, do they, in

22 any way, refresh your memory? Are they the words that you heard

23 when Khieu Samphan gave the speech that you heard on the radio?

24 Are they same words in other -- to put it differently?

25 A. These wordings were not the words read out by Khieu Samphan or

8

1 then Prince Norodom Sihanouk during that meeting.

2 Q. Thank you very much. We will move on to another area. Our time  
3 is limited so we can't deal with all of the aspects of the  
4 changing authority structure in the Northwest Zone, and in  
5 particular, in relation to people that you knew, but I would like  
6 to ask you about two individuals, given that you knew many  
7 doctors that were at one stage working in Khmer  
8 Rouge-administered hospitals.

9 [09.21.14]

10 And specifically, the two doctors that you discuss at several  
11 sections of your book are Dr. Pung Kimsea, who I believe you  
12 describe as the Director of Provincial Health, and Dr. Khim  
13 Kimsan. Could I ask you please to say for us, very briefly  
14 because time is limited, what you learned about what happened to  
15 these two individuals, Pung Kimsea and Khim Kimsan?

16 A. Dr. Khim Kimsan was appointed as a doctor at District Hospital  
17 at Preaek Luong. Dr. Pung Kimsea was appointed as a doctor at  
18 another district named Som Mnoas (phonetic) at the Som Mnoas  
19 (phonetic) Pagoda, and Dr. Khim Kimsan has disappeared. Of  
20 course, both of them had disappeared one after another and it was  
21 after the Khmer New Year of the 1977.

22 In 1980, when I went to Battambang, I saw Mr. Khim Kim -- Dr.  
23 Kimsan's photo at Tuol Sleng, but for Mr. Pung Kimsea, I only saw  
24 his name in the list of a book for -- the book detailing the  
25 names of the enemy. So I believe that these two individuals had

1 been brought all the way to Tuol Sleng.

2 Q. Thank you, doctor.

3 Mr. President, with your permission, I'd like to show the witness  
4 another prisoner list from S 21 to see whether or not he can  
5 identify two individuals in that document who may be the  
6 individuals we've been discussing just now, and this document is  
7 D312.1.49. I have a hard copy if you wish to -- that to be  
8 presented to the witness.

9 (Judges deliberate)

10 [09.25.15]

11 MR. PRESIDENT:

12 You may proceed.

13 BY MR. ABDULHAK:

14 Thank you, Mr. President. I'll hand a hard copy to the Court  
15 officer and we can display a digital copy on the screen, Your  
16 Honours, if that's acceptable for Khmer speakers to be able to  
17 see. The relevant ERNs here -- if the Court officer could assist  
18 please -- in Khmer, 00006623; and in English, it is 00837537.

19 [09.26.02]

20 Q. In this document, Dr. Chhunly, I'm interested in only two  
21 names. It is a long list of doctors and professors at S 21 with  
22 execution dates indicated. Number 8, if you see there, is an  
23 individual whose name is indicated as "Khim Kimsan, Northwest  
24 Zone, doctor, entry 27 December 1977, execution 30 December '77".  
25 As you read that name, is that the same person, as far as you can

10

1 tell, as the individual that you have been describing for us?

2 MR. PRESIDENT:

3 Mr. Witness, please pause before you see the red light before you  
4 proceed.

5 MR. HUN CHHUNLY:

6 A. Yes, that is the individual I mentioned. He was the doctor,  
7 the head of Battambang Hospital, and the second person, Men Mony  
8 Ngam, is not known to me, but Pung Kimsea -- person here appears  
9 this -- on this page is the person who worked as a doctor that I  
10 mentioned. I also even saw the photo of Mr. Kim Kimsan, though I  
11 did not see photo of Mr. Pung Kimsea at Tuol Sleng, I only saw  
12 his name.

13 [09.27.46]

14 BY MR. ABDULHAK:

15 Q. Thank you very much.

16 I just wish to indicate for the record that Dr. Pung Kimsea is  
17 listed under number 10 and that we do have on the case file a  
18 prisoner filed for this individual which indicates that he died  
19 under torture. The documents -- the document numbers are IS5.80  
20 and D82/II Annex 33.

21 Thank you, doctor, and in the limited time remaining, can I ask  
22 you about the fate of other doctors who were, at some stage,  
23 working in the Northwest Zone.

24 You indicate in your book, and I will provide the ERN shortly,  
25 you indicate first that -- I believe in relation to Battambang --

11

1 there were only two surviving doctors -- that is, yourself and  
2 Dr. Uon Sy out of a -- out of 14 civilian and 4 military  
3 physicians. The ERN for that is Khmer 00678908 and English  
4 00369794.

5 [09.29.34]

6 Given that you worked in Battambang immediately following the  
7 period; is that correct? Are those your observations from the  
8 time that only two out of a total of 18 doctors survived?

9 MR. HUN CHHUNLY:

10 A. Yes, it is correct, and I also wish to add that Mr. Uon Sy was  
11 a civilian or a physician for civilians, not a military doctor.  
12 Today he lives in Canada.

13 Q. Thank you. And one final point on the fate of the doctors or  
14 medical staff. A few -- a couple of pages on at Khmer ERN  
15 00678912 and English ERN 00369797, here you are discussing the  
16 Battambang Hospital where you returned immediately following the  
17 Khmer Rouge period, and you say the following -- quote:

18 "Among a hospital staff of 125 members, only over 30 had survived  
19 the Khmer Rouge regime. More than half of them were widows."

20 Could you just tell the Court in brief terms how you were able to  
21 assess that information as soon as you returned to the Battambang  
22 Hospital?

23 [09.31.29]

24 A. It is not difficult to assess this because these widows whose  
25 husband had been killed, of course, because these women are now

12

1 widows.

2 Q. Thank you. Did you know some or most of those people who had  
3 disappeared, given that you also -- you told us, at an earlier  
4 time had worked at the civilian hospital at Battambang?

5 A. I worked at Battambang Hospital from 1967 until 1973, so I  
6 worked there long enough to know all medical staff and by 1973 I  
7 then worked at the military hospital.

8 MR. ABDULHAK:

9 Thank you, doctor. Given that our time is limited, I'm going to  
10 draw my examination to a close. I appreciate that you lost many  
11 family members, according to your book. My colleagues, the civil  
12 party lawyers may ask you about that. I wish to thank you for  
13 coming here to assist the Court. I know my questions may have  
14 been difficult at times, we've covered a lot of ground, we're  
15 very grateful to you.

16 [09.33.00]

17 Thank you, Your Honours, for giving us extra time with this  
18 witness. We will end our examination here.

19 MR. PRESIDENT:

20 Thank you. We would like now to hand over to the Co-Lawyers for  
21 the Civil Parties to put some questions to the witness.

22 MR. PICH ANG:

23 Mr. President and Your Honours, Counsel Ven Pov and Simonneau --  
24 Elisabeth Simonneau-Fort will be putting some questions to this  
25 witness, with your leave.

1 MR. PRESIDENT:

2 You may proceed.

3 [09.33.50]

4 QUESTIONING BY MR. VEN POV:

5 Good morning, Mr. President, Your Honours, the prosecutors and  
6 parties to the proceedings.

7 Q. Good morning, Dr. Chhunly, I am Ven Pov representing civil  
8 parties. Due to time limitation, I would like to ask you only  
9 very few questions but, at the same time, I would like you to  
10 also be brief in your responses.

11 My questions are relevant to the content of your book, the book  
12 that has already been provided to you by the prosecutor. I would  
13 like to begin by asking you a few questions concerning the events  
14 prior to 1975 at Battambang.

15 You stated already, before 1975 you worked as a military medic at  
16 the hospital for 03 -- military hospital, and that all the  
17 majority of the patients, inpatients, at that time, were  
18 soldiers.

19 Can you please tell the Chamber what kind of sicknesses or  
20 disease that these individuals that were treated at your hospital  
21 had?

22 [09.35.15]

23 MR. HUN CHHUNLY:

24 A. By mid-1973, I was transferred to civilian hospital to  
25 military hospital of 403 in Battambang. The inpatients at this

14

1 military hospital were mainly soldiers. And the majority of whom  
2 were injured or wounded people.

3 Q. Do you know where these wounded soldiers of Lon Nol brought  
4 from?

5 A. I can't exactly say where they all were from but at the  
6 provincial military hospital there was an ambulance that would be  
7 used to transport all the wounded and sick people to this  
8 provincial hospital.

9 [09.36.17]

10 Q. Can you estimate how many Lon Nol soldiers were treated at the  
11 hospital in total?

12 A. So far as I remember, patients were classified into light and  
13 severe. Those also who would be - undergo some operation. But  
14 altogether, this number would not exceed 100 in any given time.

15 Q. Do you remember having heard any fighting before the 1975 -  
16 April 1975?

17 MR. PRESIDENT:

18 Mr. Witness, please hold on. Wait until you see the red light  
19 before you proceed to respond.

20 MR. HUN CHHUNLY:

21 A. Fighting in some hot battlefields in Moung Ruessei, Banteay  
22 Prey Svay, there were fierce fighting there and also fighting  
23 happened at Preaek Luong location and other battlefields  
24 surrounding Battambang province.

25 [09.37.52]

15

1 BY MR. VEN POV:

2 Q. My following questions would be relevant to the event of the  
3 17th of April 1975 in particular.

4 Mr. President, with your leave, I may wish to read the -- some  
5 excerpt from his book under Khmer ERN 00678756, English ERN  
6 00369680.

7 In that text he said that by 1 a.m., the city dwellers were woken  
8 up by the noise of some motorcycles in the city and there was  
9 also noise from the crowd. It last for several hours.

10 My question to you is: Apart from hearing people cheering up and  
11 the sounds of the motor bikes, did you hear any gunshot?

12 MR. HUN CHHUNLY:

13 A. Before I talk about the evening of that day I would like to  
14 talk about what happened during the daytime first on the 17th of  
15 April 1975.

16 Early in the morning, no Khmer rouge soldier came to Battambang  
17 as yet. Indeed, after the announcement of General Mey Sichan of  
18 the Lon Nol to ask all Lon Nol soldiers to surrender, at that  
19 time no single Khmer Rouge soldier enter Battambang as yet. By 1  
20 p.m., I saw the vehicle of the governor of Battambang passing my  
21 place to the Chamkar Chek location. He was heading to Thailand;  
22 that's what happened at 1 p.m.

23 [09.40.08]

24 At 3 p.m., I saw a small group of Khmer Rouge, a group of five to  
25 10 soldiers -- both men and women -- were seen - were standing

16

1 guard at some public parks and gardens. And at night, at about 1  
2 a.m., I heard the noise of some motorcycles and people were  
3 cheering up all across the city of Battambang. I didn't know  
4 where they got these motorbikes but I asked them something about  
5 this and I was told that the Khmer Rouge had broken the doors of  
6 the prisons and that they had woken up people so that they could  
7 get the motorcycles to march on the street so that they could  
8 cheer and chant some slogans during the night. That happened in  
9 particular to people at Battambang provincial town, I believe.

10 Q. Yesterday you testified before the Chamber when questions were  
11 put to you by the prosecutors you said that 13 of your  
12 colleagues, medical colleagues, were taken away to be executed on  
13 the 21st of April 1975. They were all executed in the paddy field  
14 at Ou Mal location. And then next morning you came to the  
15 military hospital through a small door and you were stopped by  
16 another colleague and then you proceeded to move to another door  
17 attempting to go into the hospital but then was stopped by  
18 another colleague. And, at the same time, you indicated that you  
19 saw some sick people were limping out of the hospital when other  
20 sick patients were placed on the pedal cart and taken away, it  
21 was a very sad moment.

22 [09.42.50]

23 Can you tell the Chamber please whether you know that these  
24 people had to leave the hospital on their own accord or they were  
25 expelled?

17

1 A. When I came to hospital - the military hospital to see what  
2 actually happened inside the premises of the hospital, I, from  
3 outside, saw some patients walking out of the hospital randomly.  
4 I did not know whether these people had been forced to leave the  
5 hospital or they had to leave because they were afraid. Because,  
6 at that time, there was no medical staff remained in the hospital  
7 but I believe that these people left the hospital out of fear of  
8 the Khmer Rouge.

9 Q. Apart from seeing these sick people leaving the hospital, did  
10 you remember having heard of gunshot or people being shot dead in  
11 the hospital?

12 [09.44.08]

13 A. No, I haven't heard anything about this.

14 Q. I have a few more questions concerning the date of the  
15 evacuation of people from Battambang province. I would like to  
16 refer to the same book under ERN 00678769, in Khmer; English,  
17 00369689. "At dawn on the 25th of April 1975, the soldiers dress  
18 in black with scarfs on their head, shot guns into the air in the  
19 city. Some other soldiers were walking to the front of some  
20 houses when holding loudspeakers and making some announcement. I  
21 walked out of my home to ask a neighbour about what happened."  
22 My question to you is: During the evacuation, did you hear that  
23 ordinary people or civilians were subject to be shot at if they  
24 protested such order to evacuate?

25 A. I only learned that all the people had to leave, no one stay.

18

1 And people could not challenge such order by the Khmer Rouge or  
2 they would risk being shot. And I did not see anyone being shot  
3 at when they protested such instruction; that's not -- was not my  
4 experience.

5 [09.46.21]

6 Q. When you were evacuated to the new place in Damrei Slab  
7 village, Doun Teav district, did you other 17th of April People  
8 being evacuated to that same location as yours?

9 A. On the 17th of April 1975, evacuees were all Battambang  
10 villagers. Later on, we were joined by other evacuees from Phnom  
11 Penh and these new evacuees would then be placed in other  
12 villages through train.

13 MR. VEN POV:

14 Mr. President, with your leave, I would like to read another  
15 document which is under Khmer ERN 00678775, English ERN 00369693.

16 I would like to read it as follows:

17 "Apart from the militia, the Khmer Rouge created undercover  
18 militia to spy on the people. And these undercover militia were  
19 male and female, young people who were recruited in the village.  
20 These young people would sneak under our beds to spy on us to see  
21 whether we would converse during the night and that they would  
22 report to the Upper Echelon."

23 BY MR. VEN POV:

24 My question to you is: When these undercover militia spy on your  
25 conversation, was it happening only to the New People or to every

1 person in the cooperative?

2 [09.48.40]

3 MR. HUN CHHUNLY:

4 A. I did not know who they spied on but they were undercover  
5 militia. And I believe that they could spy on anyone they felt  
6 suspicious about; and in particular the New People.

7 Q. What happened to people who had been reported on to the Upper  
8 Echelon, whether any punishment was rendered to any of them? I  
9 would like to read the same document to him.

10 A. (Microphone not activated)

11 MR. PRESIDENT:

12 Indeed, your question was not yet responded as his response could  
13 have been lost because his mic was not activated when he was  
14 speaking something.

15 MR. HUN CHHUNLY:

16 A. I do not know whether these undercover militia listened to  
17 anyone and whether report was ever made to the Upper Echelon;  
18 they were undercover and their mission was secret.

19 BY MR. VEN POV:

20 Q. I would like to read another document which is under 00678777  
21 in Khmer; English, 00369695. You stated that the term "family"  
22 was used instead of husband and wife and that terms - other new  
23 terms also was used. How did you learn these terms were asked to  
24 use that way?

25 [09.50.51]

1 MR. HUN CHHUNLY:

2 A. As I indicated yesterday, the Khmer Rouge did not pronounce or  
3 make any pronouncement through written forms. Normally they did  
4 that from one person to other person. It was a kind of  
5 distribution of information from word to mouth.

6 Q. When did you learn that the cooperative was established and  
7 that the communal eating was part of the policy?

8 A. At the beginning, during the evacuation, no cooperative was  
9 established yet because evacuees could bring along with them  
10 their foodstuff. Food was not of short supplies as yet.  
11 Cooperatives were then established by 1976 after the Khmer New  
12 Year. By then people were asked to eat at the communal hall  
13 collectively.

14 [09.52.30]

15 Q. You worked at Preaek Luong as you stated, I would like to cite  
16 your document which is under ERN in Khmer, 00678785; English ERN  
17 00369702.

18 You stated that people who came to have their medical check were  
19 Base People; they came to ask for medicine rather than having  
20 their condition checked.

21 My question to you is: Why the majority of people who came to the  
22 hospital asking for medicine were mainly the Base People, not the  
23 New People?

24 A. I can say that, at that time, it was one month after the  
25 evacuation had taken place. So New People from the city were

21

1 still well and did not fall sick as yet. Those who came to ask  
2 for medicine were the Base People, in particular those who did  
3 not have access to the hospital or medical service before. That's  
4 why they came to ask for some medicine.

5 [09.54.01]

6 Q. I may also seek some clarification: yesterday you stated  
7 already that during that regime -- the Khmer Rouge regime - the  
8 Khmer Rouge soldiers' medic were trained for one week only before  
9 they could do their job, and the other professional personnel who  
10 survived the regime -- the Lon Nol regime -- had been executed.  
11 My question to you is that: Did you know whether some kind of  
12 medical ethics being placed as part of the medical training to  
13 these new doctors?

14 A. What I was talking about yesterday was the words I heard from  
15 Khek Penn, comrade Sou, who stated in his long speech. I may  
16 repeat, he said that Angkor did not need to waste seven years to  
17 train any medical staff. Angkor would need only seven days to  
18 train the doctors or medics.

19 [09.55.22]

20 And I also forgot to mention that, secondly, he said, by doing  
21 exercise or working -- do the labour work, then people are  
22 healthy and they would be free from getting sick.

23 And also how this doctor or medics would be trained, I don't  
24 know, and perhaps it is best that I would not be allowed to know  
25 in any way.

1 Q. Yesterday you also testified that, while you were working at  
2 P2 military hospital when Khmer Rouge soldiers who were seriously  
3 ill, then you would be summoned to treat them. But at P1 hospital  
4 -- the civilian hospital -- even people or civilian who were very  
5 seriously ill then you would not be called to treat them.

6 Can you tell us what the difference; why that happened?

7 MR. PRESIDENT:

8 Witness, please hold on before you proceed to respond. You may  
9 now proceed.

10 [09.56.43]

11 MR. HUN CHHUNLY:

12 A. The difference is already elaborated in my statement  
13 yesterday. The difference -- seen in the treatment in military  
14 hospital and civilian hospital -- at the military hospital it was  
15 the place where soldiers would be well treated because it is a  
16 military hospital for Angkar where soldiers would be well taken  
17 care of. But at the civilian hospital, it was for everyone so  
18 they did not pay great attention to the civilians who were sick  
19 there. However, I had been at the civilian hospital for two  
20 months only and they had to be made to sit in the corridor of the  
21 hospital where they could eat their meals. It was miserable, and  
22 people were left helpless without proper care. And I was not  
23 asked to treat the civilians although I, personally, had two  
24 cousins who were sick and admitted to that civilian hospital. I  
25 was not allowed to treat them and later on they died at the

1 hospital.

2 [09.58.14]

3 That did not only happen to me personally, I think it was the  
4 general case. It happened to every civilian who was admitted to  
5 that hospital; they didn't have -- receive good care.

6 BY MR. VEN POV:

7 Q. You said you worked at the civilian hospital for two years -  
8 or, rather, two months.

9 What was the kind of disease or sickness these people had when  
10 they were admitted to that hospital?

11 MR. HUN CHHUNLY:

12 A. At civilian hospital, the majority of the patients were those  
13 who had problems with sanitation or hygiene. They had some  
14 diarrhoea, severe diarrhoea and also they had some disease,  
15 sickness as like malnutrition. They became very thin and pale, or  
16 in other words emaciated.

17 Q. How many medical staff were working there and how many  
18 patients were admitted to the hospital during the two-month  
19 period you worked there?

20 [09.59.34]

21 A. I cannot estimate the number of the patients at the civilian  
22 hospital; however, I noted that some of the offices were grinded  
23 to a halt; in particular the children ward and also the place  
24 where pregnant women would deliver the baby would also be closed  
25 down. And rarely did we see pregnant women come to the place to

1 deliver the baby. Patients would be put together in the same  
2 hall; they were treated no less than the animals being treated.  
3 Q. I thank you very much. I would like to also have a few more  
4 questions concerning the evacuation of Phnom Penh -- from Phnom  
5 Penh.

6 MR. VEN POV:

7 Mr. President, I would like to also read the same document which  
8 is 00678805 in Khmer, in English 00369716:

9 [10.01.05]

10 "I met a friend of mine who is a doctor having the same name as  
11 mine, Mr. Chhunly, and another doctor who worked with me in  
12 Kampong Cham, Mr. Long Naret and his wife. They said that Khmer  
13 Rouge brought New People through train and that these people  
14 would be allowed to get off the train at Moug Ruessei and Phnom  
15 Thipakdei and other train stations on the way to Sisophon."

16 BY MR. VEN POV:

17 Q. My question is: Did you know that Khmer Rouge soldiers or  
18 cadres would be waiting at each station to receive the evacuees?

19 MR. HUN CHHUNLY:

20 A. I don't know about this but I know that sick people were  
21 dropped; they were dropped at each train station. For example, at  
22 Thipakdei Mountain, which was the location where water was  
23 scarced, and it was a very impoverished area of the town and  
24 people would then be dropped there. And, at the same time, I also  
25 saw people making their journey all the way to my village and

1 some would be heading to Sisophon and other districts of that  
2 province. Whether there were Khmer Rouge cadres waiting at each  
3 station, I don't know about this

4 [10.03.21]

5 Q. Were you aware or told whether people on the train were ever  
6 given any food or water?

7 A. I didn't ask people about this. And they didn't tell me  
8 anything about this either.

9 Q. Thank you.

10 I would like to ask you a few more questions concerning your  
11 knowledge of the senior leaders of the Democratic Kampuchea.

12 MR. VEN POV:

13 Mr. President, I would like to also read the document from his  
14 book under ERN in Khmer, 00678826; and English, 00369730.

15 You said that, "Naun told me that Ieng Sary paid a visit to the  
16 rice field and that Ieng Sary inspected the location using the  
17 binoculars."

18 BY MR. VEN POV:

19 Q. Can you tell the Chamber please, did you know what Ieng Sary  
20 title was at that time?

21 [10.04.56]

22 MR. HUN CHHUNLY:

23 A. I worked at the military hospital, P2, and on that day, the  
24 head of the hospital announced that the whole city would be  
25 closed for one day. No traffic would be allowed. It was a ghost

1 town already but then traffic was not allowed for one day. And at  
2 noon, I saw a Mercedes vehicle escorted by some group of people.  
3 I did not see who were exactly in the vehicles but I knew that  
4 this convoy was heading to Phnom Sampeou location. Three days  
5 later Naun who was a former Buddhist monk and who became a  
6 medical staff at the military hospital in charge of transporting  
7 meat and rice to the hospital told me that the people who were in  
8 the vehicles that we saw yesterday -- one of whom was Ieng Sary  
9 -- who was inspecting the farmers at the paddy fields; he didn't  
10 go to the fields directly but he saw them through his binoculars.

11 [10.06.35]

12 Q. Did you -- or were you told what Mr. Ieng Sary did or what his  
13 function was at that time?

14 A. At that time, I knew that Mr. Ieng Sary was the Minister of  
15 Foreign Affairs of the Democratic Kampuchea -- Ministry of  
16 Foreign Affairs.

17 Q. Thank you. I have another question concerning another leader.  
18 I would like to read from your document under ERN 00 -- in Khmer,  
19 678828; English, 00369731 through 32. You indicated in your book  
20 that Mr. Nuon Chea was the President of the Assembly during the  
21 Democratic Kampuchea regime.

22 My question to you is: How did you know he was the head of the  
23 Assembly at that time? Who told you about this?

24 [10.07.58]

25 A. Frankly, I heard about this but I don't recollect how I knew

1 this.

2 Q. Thank you. I would like to also proceed to reading another  
3 document under ERN in Khmer, 00678830; English, 00369732 to 33.  
4 You said, on one occasion, Suon Kaset's mother told you that  
5 yesterday Nuon Chea came to pay a visit to his family and that  
6 your sibling asked Nuon Chea where Anee and her husband. Anee was  
7 Nuon Chea's sister whose husband worked at the National Bank of  
8 Cambodia. In Phnom Penh, Nuon Chea would spend some time at  
9 Anee's house. And Nuon Chea said, at that time, that, he assured  
10 his mother not to be so worried because everywhere you could find  
11 rice to eat.

12 My question to you is: Did Nuon Chea pay a frequent visit to his  
13 family at that time?

14 A. On the part that I wrote in my book, before I wrote this I  
15 already asked some information from Nuon Chea sibling to confirm  
16 the account and it was true from that.

17 [10.09.59]

18 When I worked at the military hospital, the hospital was located  
19 just adjacent to - not far from Mr. Nuon Chea's house. And about  
20 1.00 or 12.30, I would take the opportunity of the break to cycle  
21 to Nuon Chea's mother, and I paid a frequent visit to her as  
22 well. And on one occasion Nuon Chea's mother told me about this,  
23 she said that yesterday Nuon Chea came to pay a visit to his  
24 mother. And then Nuon Chea's sister asked where Anee's husband  
25 was. Indeed, Anee's husband worked at the National Bank.

1 And she also told me that Nuon Chea assured the family member  
2 that it didn't matter where they would go, rice would be  
3 plentiful. And I asked to confirm this information and on two  
4 occasions the account was confirmed.

5 [10.11.31]

6 And by 1960's when Nuon Chea was operating as an undercover  
7 agent, he worked and spent some time staying at Anee's house. And  
8 my wife also knew her very well. But now Anee lives in America.

9 Q. I would like to follow up on this question.

10 Did you hear any other information about Nuon Chea other than his  
11 visit to his mother? Did he go to inspect the construction site  
12 or so in Battambang province?

13 A. That I did not know.

14 Q. This is going to be my last question. You specify in your book  
15 time again that, during the Khmer Rouge Regime you listen to the  
16 VOA and you did this in secret manner, in other words you did not  
17 listen to it openly. But, at the time, did you hear or did you  
18 tune in frequency of the Democratic Kampuchea Radio?

19 [10.12.58]

20 A. During the Khmer Rouge Regime: to me, I needed food. I was  
21 starving, I was not only starving for food, but I was starving  
22 for information as well. That's why I took the risk to listen to  
23 the voice of America. I had the headset and I kept it somewhere  
24 in my pocket and I listen to this radio. But never did I listen  
25 to the Democratic Kampuchea radio; I only listen to the Voice of

1 America. And after listening to the VOA, I also tried to pick up  
2 English language because VOA, at the time, they broadcast in  
3 Khmer and then it was followed by the English version. So I also  
4 took that chance to learn English, I found that it was an  
5 opportunity for me to learn English, because it repeated the same  
6 information in English version.

7 [10.14.15]

8 MR. VEN POV:

9 I thank you Mr. President, I do not have any further question for  
10 the witness. I would like to hand over to my colleague.

11 MS. SIMONNEAU-FORT:

12 (Technical problem)

13 MR. PRESIDENT:

14 Court Officer, please check with the interpretation booth.

15 [10.15.29]

16 QUESTIONING BY MS. SIMONNEAU-FORT:

17 I think the problem has been solved, Mr. President; I can now  
18 hear the interpretation in French.

19 Q. Mr. Witness, I will put to you a few different questions  
20 following the questions that have already been put to you, and I  
21 thank you for your answers given so far. I'll put to you some  
22 follow up questions.

23 My first question has to do with what you said regarding the  
24 Vietnamese. You stated to the prosecutor yesterday that as of the  
25 19th of April, the Khmer Rouge said the Vietnamese had to leave

1 the country, you referred to that.

2 Do you know whether they left and do you know what became of  
3 those who remained in the country in light of what you wrote in  
4 your book?

5 [10.16.26]

6 MR. HUN CHHUNLY:

7 A. During the Lon Nol era, the Vietnamese were gathered into two  
8 places. And on the 19th of April, the Khmer Rouge order that all  
9 the Vietnamese be transferred back to Vietnam. It was not far  
10 from the hospital, it was in Ban Cha (phonetic). I saw many boats  
11 waiting to transport those Vietnamese, those women and children  
12 down the stream all the way to Tonle Sap. That's what I knew of  
13 the situation of Vietnamese people at that time. And I did not  
14 know whether or not those Vietnamese eventually reached Vietnam  
15 and even until today if I ask them there was no any clear cut  
16 answer as to whether or not they had reached Vietnam.

17 Q. Do you know whether some of them stayed behind?

18 [10.18.06]

19 A. I saw a minority few of Vietnamese remained. I saw a midwife  
20 who was working with me at the hospital by the name of Vannarith  
21 (phonetic) and his father was Cambodian and his mother was  
22 Vietnamese, and her husband was a Cambodian. In 1967, they were  
23 all executed. Her father went to welcome the Prince and his - her  
24 entire family were executed. And in the village, the situation  
25 was the same. Those who had the Vietnamese origin, even if the

1 origin was actually transcendent for many generations but so long  
2 as they found out they would be killed as well at that time.

3 Q. Did you hear the Khmer Rouge identify other categories of  
4 persons whether they were foreigners or Cambodians to make sure  
5 they received particular treatment?

6 A. They never talked of those people. I had never heard them talk  
7 about the French or the British or other foreigners. They only  
8 mention the Vietnamese enemy, or the Yuon enemy, KGB, or CIA.  
9 These were the categories of people they mentioned.

10 [10.20.25]

11 Q. Thank you.

12 You explained that, at the time of the arrival of the Khmer Rouge  
13 and during the evacuation of Battambang the cathedral, inter  
14 alia, was destroyed. Were any other buildings, whether lay,  
15 secular or religious destroyed during the evacuation of  
16 Battambang?

17 A. The Catholic building in Battambang was built in the 19th  
18 Century and the Khmer Rouge was destroyed in mid-1976. It was not  
19 immediately after the fall of Battambang.

20 As for Buddhist pagodas, certain Buddhist pagodas were  
21 transformed into prisons. And the other were transformed into the  
22 detention centre; for example, one of the pagodas -- there was  
23 transformed into the operation training centre. Now, for example,  
24 if they would send anyone for operation experiment they would  
25 bring those people to this pagoda. As for other religious

1 buildings of other religions, of course there were not many  
2 secular religious buildings. There were only a few Chinese  
3 monasteries or so, but other than that, there were only Buddhist  
4 pagodas and one cathedral.

5 [10.22.33]

6 Q. Thank you. In order to complete your answer to the question  
7 you said that pagodas were converted into other kinds of  
8 buildings. How do you know that the pagodas were converted to  
9 prisons, detention centres, or surgical experimentation centres?

10 A. For Veal Pagoda in particular, to my knowledge, in 1979 I went  
11 back there again, and in front of the crematory oven, there was a  
12 -- people lying in front of this oven and those who were operated  
13 and then died would send and be cremated over there. So they told  
14 me -- I actually heard of it that it was used as a surgical  
15 operation theatre and I later on found out that it was true. And,  
16 as well, other pagodas, they were converted into security  
17 centres. They were the places where people were detained. And  
18 some of them were also converted into the warehouse of ammunition  
19 because there were bombardments by the Vietnamese on certain  
20 pagodas in Wat Kandal (phonetic) Pagoda because those places were  
21 used to store ammunition and I heard from the villagers that many  
22 pagodas were converted into prisons or detention centres.

23 Q. Thank you. If you moved around during the evacuation of  
24 Battambang, did you observe the evacuation of towns that were  
25 smaller than Battambang?

1 [10.25.00]

2 A. During the Khmer Rouge era, we did not have freedom of  
3 movement. If we did not have the permit or we did not receive any  
4 order we would not be able to move freely.

5 Q. Thank you. Be it through meetings or over the radio, did you  
6 get to know what was happening elsewhere in the country?

7 A. I listen to the voice of America but, at that time, I heard  
8 very little about what was going on in Cambodia. In one instance,  
9 I only heard the news about the evacuation of people out of Phnom  
10 Penh to Battambang province. That was the only instance I heard  
11 through Voice of America at that time.

12 [10.26.48]

13 And, in addition, after I left the hospital, I was asked to mind  
14 the cattle and I listened to VOA and I heard news about foreign  
15 politics and foreign news in general. For example, I heard about  
16 the former president Jimmy Carter of the United States and he was  
17 the one who launched the submarine operated by the nuclear power.  
18 And, later on, I also listened to the Voice of America and I  
19 heard that a Chinese pilot, who was a major -- he was flying the  
20 Mig-27 -- he had to land abruptly in Taiwan. But then, later on,  
21 I did not have any access to battery because, at that time, we  
22 had to have batteries in order to listen to the radio and I had  
23 -- earlier on, I had access to battery because I had some gold in  
24 exchange for the batteries. But then I ran out of gold.

25 Q. I crave your indulgence, Mr. Witness; I have very little time

1 left. May I request you to answer my questions as concisely as  
2 possible and may I request the President to give me a few more  
3 minutes? I will proceed to put a few very pointed questions to  
4 you and may I request you to answer them as concisely as  
5 possible.

6 [10.28.43]

7 As of July 1975, you arrived at the hospital; what was the  
8 condition of that hospital? I am talking about surgical  
9 equipment, medical equipment, and so on and so forth.

10 A. When I came to the military hospital -- P2 -- everything was  
11 in chaotic situation, it was scattered everywhere. First, the  
12 hospital director designated me to set up the pharmacy. He asked  
13 me to put medicine in the shelter and according to the categories  
14 of medicines. And then he also asked me to look at the x-ray  
15 machine and have it put in an x-ray room. And then, after that,  
16 they asked me to reorganize the medical facilities in the  
17 hospital. I did not actually have the technical skills in  
18 radiology or the medical equipment but I had to do it at that  
19 time and I had to prepare the surgical equipment in three  
20 different containers at that time.

21 [10.30.17]

22 So in terms of the facilities as well as equipment over there, it  
23 was very basic but it could be done. And the surgical work was  
24 not done in the military hospital, operation needs to be carried  
25 out in Battambang civilian hospital because this military

1 hospital did not have the skills to conduct surgical operation.

2 Q. Thank you very much.

3 A few more questions, you told us that the policies that the  
4 Khmer Rouge expressed to you was that you town's people had to go  
5 and work in countryside, have an agricultural lifestyle, work  
6 hard in the fields with certain privations.

7 Now, as far as you are aware, from what you have seen, did the  
8 Khmer Rouge cadres, as one went up in the hierarchy, apply the  
9 same policy to themselves and their families or did they benefit  
10 from privileges, and if so, which privileges?

11 [10.31.48]

12 A. The Khmer Rouge cadres applied a policy, a secret policy. They  
13 ate adequately or they had enough food to eat but that was done  
14 in secret because they did not allow other people to know because  
15 general population didn't have enough to eat.

16 Q. Thank you. This morning and yesterday as well you said that  
17 some people who had been evacuated from Phnom Penh came to your  
18 village. Did you have a chance to talk with these people?

19 A. After Phnom Penh evacuees were transferred to my village, I  
20 and my family member went to see them hoping that we would find  
21 some of our lost relatives. We conversed with them, but very  
22 briefly. We just asked them how they were, and that's all.  
23 However, at that time what I noted was that these people had to  
24 travel a very long distance. They were very exhausted. But I also  
25 saw -- I also noted that they had some food that they brought

1 with them. And at the same time, I could also feel that the  
2 children who came with them did not enjoy the playful atmosphere  
3 as the normal children did.

4 Q. Did these people describe the evacuation from Phnom Penh, and  
5 was it comparable to the evacuation from Battambang? Were the  
6 instructions from the Khmer Rouge the same kind of directives you  
7 were given? Were the evacuation conditions generally similar to  
8 the ones that prevailed in Battambang?

9 A. I believe that the evacuation in Battambang was not the same  
10 as that in Phnom Penh because there were fewer people in  
11 Battambang than in Phnom Penh.

12 [10.35.15]

13 And I believe that the evacuation of people from Phnom Penh could  
14 be -- I mean, people could endure more hardship because they had  
15 to travel a long distance. So I can say that the two evacuations  
16 cannot be compared.

17 MR. PRESIDENT:

18 Mr. Witness, you are now instructed to respond to only what you  
19 bore witness to, or what you saw and you experienced. You are not  
20 allowed to subjectively speculate or voice your opinion, because  
21 when it comes to experiences, the elements in your testimony must  
22 be those that relevant to what you saw.

23 BY MS. SIMONNEAU-FORT:

24 Q. Of course, I was talking about what people actually told you  
25 rather than what you might have imagined.

1 [10.36.37]

2 Sir, you were a tried and tested doctor for most of your life. In  
3 1975, for a few months, and then after March '77, the Khmer Rouge  
4 asked you to go and work in the fields. Since that was not to  
5 exploit your medical competencies, which are useful in any  
6 society, what precisely was the objective for you to go and work  
7 in the fields -- if you were told, of course -- rather than  
8 working as a doctor? Did they provide you with any reasons for  
9 this?

10 MR. HUN CHHUNLY:

11 A. It was difficult for me to understand why that happened to me.

12 MR. PRESIDENT:

13 Counsel, you will have one more question to pose to this witness.

14 BY MS. SIMONNEAU-FORT:

15 Q. I understand, Mr. President. This is therefore my last  
16 question.

17 [10.38.15]

18 So, after the evacuation of Battambang and the forced transfer of  
19 its population to the rural areas -- and, indeed, of your own  
20 family, sir -- what were the consequences for your family? For  
21 your children and for those who were close to you, of all of  
22 this?

23 MR. HUN CHHUNLY:

24 A. My sibling and relatives had to also be made to do farming, as  
25 I did.

1 MR. PRESIDENT:

2 Thank you, Counsel, and witness. Since it is now appropriate time  
3 for the adjournment, the Chamber will adjourn, and the next  
4 session will resume by 11 o'clock.

5 [10.39.31]

6 Court officer is now instructed to assist the witness during the  
7 adjournment.

8 Counsel, actually, we have already provided you one question to  
9 put to this witness, and you already asked him the question.

10 (Court recesses from 1039H to 1100H)

11 MR. PRESIDENT:

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

13 Next, we would like to hand over to counsels for Mr. Nuon Chea to  
14 put some questions to the witness.

15 QUESTIONING BY MR. SON ARUN:

16 Good morning, Mr. President. Good morning, Your Honours, and good  
17 morning to you Mr. Chhunly. I am Son Arun, representing Nuon  
18 Chea. I have a few questions. It may take half an hour for this,  
19 and my colleague would also have some questions too.

20 Q. I have a few questions first concerning your biography. I  
21 still am doubtful as to your background as a physician. Can you  
22 tell the Chamber, please, when you became a physician?

23 [11.02.30]

24 And when you became the physician, did the government send you to  
25 work in Battambang straight away?

1 MR. HUN CHHUNLY:

2 A. I became a physician in 1967, and with the permission of the  
3 government, I was assigned to work at a civilian hospital in  
4 Battambang.

5 Q. Until when did you leave Battambang?

6 A. I had worked at Battambang hospital until 1973 -- mid-1973.  
7 And after -- rather, in 1973, I was asked to join the army and  
8 worked as a military medic in Hospital 403 from 1973 until 1975.

9 Q. After 1975, where else did you work?

10 MR. PRESIDENT:

11 Witness, please hold on.

12 [11.04.18]

13 You may now proceed.

14 MR. HUN CHUNNLY:

15 A. After 1975, I lived in Battambang until 1992, when I came to  
16 Phnom Penh and lived in Phnom Penh.

17 BY MR. SON ARUN:

18 Q. During the entire period of the Democratic Kampuchea, you  
19 lived in Battambang; is that correct?

20 MR. HUN CHHUNLY:

21 A. Yes, it is.

22 Q. Another question to you is: In 1975 -- this morning or  
23 yesterday, I believed that I didn't get your response correctly,  
24 or I could be mistaken myself, having heard what you said. You  
25 indicated to the prosecutors that on the 17th of March 1975,

40

1 Battambang was captured by the Khmer Rouge. Is that correct?

2 MR. PRESIDENT:

3 Witness, please pause before you proceed to respond.

4 [11.06.00]

5 You may now proceed.

6 MR. HUN CHUNNLY:

7 A. On the 17th of April 1975, having followed the broadcast by  
8 the Phnom Penh radio, the soldiers surrendered and laid down  
9 their weapons. They were defeated.

10 BY MR. SON ARUN:

11 Q. I would like to ask you for clarification. I would like you to  
12 recollect the events, if you can do that. If not, it is fine.  
13 Battambang town was fully captured by the Khmer Rouge on which  
14 date, exactly?

15 MR. HUN CHHUNLY:

16 A. To put it simply, it was on the 17th of April 1975. After  
17 order was rendered through the Phnom Penh radio, soldiers  
18 surrendered their arms, and as I indicated the announcement was  
19 made by General Sichan and another general on this.

20 Q. This morning, you already reiterated that the governor, Sek  
21 Sam Iet, escaped on the date when the Khmer Rouge was approaching  
22 Battambang province.

23 [11.08.01]

24 Is that correct?

25 A. On the 17th of April 1975, in the morning, there was no Khmer

41

1 Rouge soldier coming to Battambang province as yet. It was very  
2 quiet. I don't know why, but there was no single member of the  
3 Khmer Rouge soldiers seen in Battambang. But by 1 p.m., the  
4 governor drove his vehicle to be boarding a helicopter, where he  
5 departed for Thailand. But by 3 p.m., young Khmer Rouge soldiers  
6 in some small groups came to the provincial town, one after  
7 another.

8 Q. General Mey Sichan and General Lon Non -- Lon Nol's brother --  
9 announced that soldiers had to lay down their weapons. Why these  
10 two generals made such announcement? Because the Khmer Rouge were  
11 somehow the enemy?

12 MR. PRESIDENT:

13 Witness, please hold on.

14 [11.09.37]

15 Counsel for the civil parties, you may now proceed.

16 MR. PICH ANG:

17 Mr. President and Your Honours, I take issue with this line of  
18 questioning, because the question was about asking witness to  
19 speculate.

20 MR. SON ARUN:

21 Mr. President and Your Honours, indeed, the question was not  
22 speculative. I was asking how he learned about this information.

23 MR. PRESIDENT:

24 Counsel Son Arun, you are asked now to rephrase your question.

25 [11.10.23]

1 Perhaps it is not easy to understand, and the response itself is  
2 ambiguous. So it is better if you rephrase your question so that  
3 witness can respond directly to what you would like him to  
4 respond.

5 BY MR. SON ARUN:

6 Q. Thank you, Mr. President. I would like now to repeat the  
7 question in other words.

8 Dr. Chhunly, you stated before the Co-Prosecutors and the  
9 counsels for the civil parties already that, during the 17th of  
10 April 1975, two generals -- Mey Sichan and Lon Non -- made an  
11 announcement that the soldiers of the Khmer Republic surrender  
12 their weapons. Did you believe the information -- the  
13 announcement to be true that you heard from these two generals?  
14 Or did you hear this piece of information as a rumour?

15 MR. HUN CHHUNLY:

16 A. I heard this information directly from the radio broadcast. I  
17 heard these two generals were saying that they were defeated and  
18 they accepted the defeat, and they made an appeal to all soldiers  
19 of the Khmer Republic all across the country to lay down their  
20 weapons.

21 Q. Thank you.

22 [11.12.30]

23 Dr. Chhunly, you already stated before the Co-Prosecutors that,  
24 for the civilian Khmer Rouge doctors -- they were executed one  
25 after another from 1977. How did you know about this? Were you

1 told, or did you see this?

2 A. Yesterday, I testified already that for the military medics --  
3 those who were in the rank from major lieutenant -- would be  
4 executed first. For the civilian doctors, they would be deployed  
5 to work as doctors at district offices -- what they called  
6 offices. They used the district office as the hospitals. By the  
7 21st of April 1975 -- 1977, rather, these doctors were made to do  
8 farming. And many of whom disappeared one after another. These  
9 two individuals -- Pung Kimsea and Dr. Kimsan -- whose names  
10 appeared on the list of Tuol Sleng prison -- prisoner's list --  
11 disappeared first.

12 [11.14.20]

13 And other doctors also disappeared after they had been believed  
14 to have been assigned to treat other patients. And I learned  
15 about their disappearance through their widows.

16 Q. You also mentioned yesterday that Sieu Heng's wife was the  
17 elder sister of Nuon Chea, is that true?

18 A. (Microphone not activated)

19 MR. PRESIDENT:

20 Mr. Witness, just hold on a little bit.

21 Court officer is now instructed to assist Mr. Witness to make  
22 sure that the console is placed to the angle where the witness  
23 can actually see the red light activated on his mic easily.

24 MR. HUN CHUNNLY:

25 A. Sieu Heng's wife was not the sister of Nuon Chea, but younger

1 sister -- not elder sister, but younger sister of Nuon Chea. But  
2 she passed away last year or so.

3 BY MR. SON ARUN:

4 Q. You also went on to say that Nuon Chea's family was known to  
5 you.

6 [11.16.29]

7 And you knew Nuon Chea's family to be of a good family, and you  
8 said you also treated members of his family; you went on to say  
9 that, if food was scarce at other locations, Voat Kor village  
10 would never be short of food supplies, and that you also knew  
11 Nuon Chea's mother to be the one who provided food to pay to  
12 hospital.

13 My question to you now is: Did you know Nuon Chea very well, or  
14 you only knew his family instead?

15 MR. HUN CHHUNLY:

16 A. I may wish to correct your question. Nuon Chea's mother was  
17 not the one who provided food to the hospital. I was saying that  
18 the person who provided food to the hospital, P-1 or P-2 -- or  
19 the person who worked as the head of the economic section of the  
20 sector -- was the one who provided food to the hospitals of P-1  
21 and P02.

22 [11.17.52]

23 And this person also provided food to Nuon Chea's mother.

24 Q. I apologize to you if I was mistaken. But I would like to  
25 continue putting a few more questions on this.

1 You said yesterday that you knew Nuon Chea's family very well.

2 Did you know him very well, too?

3 A. I have been in good relation with Mr. Nuon Chea cousins and  
4 family members. Nuon Chea's mother was believed to be a respected  
5 woman. But I've never been in contact or known Mr. Nuon Chea.

6 Q. You said that you have never known Nuon Chea, or in any  
7 contact with him. But during the Democratic Kampuchea regime, had  
8 you ever heard of his name?

9 A. During the Democratic Kampuchea regime, I used to hear of him  
10 as the president of the assembly. But I just don't recollect when  
11 exactly, I heard of this.

12 Q. Mr. Doctor, apart from being the president of the assembly,  
13 did you hear of him holding any other positions?

14 A. No, I didn't.

15 Q. It would be good if you keep saying that you don't know if you  
16 actually don't know when I ask you a question.

17 [11.20.29]

18 The next question is that, you heard that Mr. Nuon Chea was the  
19 president of the assembly. Did you ever know that Mr. Nuon Chea  
20 was having any authority in the government as to order any  
21 arrests of people or execute or starve the population -- so on  
22 and so forth?

23 A. I don't know.

24 Q. Thank you.

25 In your book, you wrote that a man who was the former custom

1 official -- officer in Battambang province who was Nuon Chea's  
2 younger sibling -- and Nuon Chea was the Brother Number 2 -- this  
3 gentleman was not taken away by the Khmer Rouge.

4 [11.22.16]

5 You mentioned about Brother Number 2 -- how could you adapt this  
6 term? Did you improvise the terms, or you heard somebody saying  
7 that?

8 A. I used the term "Brother Number 2" because I heard from other  
9 people using this. Again, I don't remember when exactly I heard  
10 people saying this, when referring to Nuon Chea.

11 Q. In your book, under ERN in Khmer 00678759, and in English  
12 00369686, you said that Mr. Sieu Heng rallied to the -- Prince  
13 Norodom Sihanouk after 1954 after the Geneva Conference. Can you  
14 confirm, please, when exactly did Sieu Heng join the then-Prince  
15 Norodom Sihanouk? It is for the record of history to be correct.

16 A. As to Sieu Heng, I knew clearly that, after the Geneva  
17 Conference, he rallied to the then-Prince Norodom Sihanouk to  
18 serve the Royal Army of Kampuchea. And then he was promoted to  
19 the position of colonel. And, later on, he had health problems.  
20 He was paralyzed on one side of his body and remained treated or  
21 stay at his family home all along.

22 MR. SON ARUN:

23 I have asked you all the questions I intended to ask you.

24 [11.25.46]

25 I have no further questions. But I would like to cede the floor

1 over to my co-counsel to proceed.

2 MR. PRESIDENT:

3 You may proceed.

4 QUESTIONING BY MR. PAUW:

5 Thank you, Mr. President, and good morning to everyone in and  
6 around the courtroom. Good morning, especially, to you Dr. Hun  
7 Chhunly. My name is Jasper Pauw. I am International Co-Counsel  
8 for Nuon Chea and I have questions for you today that follow up  
9 on questions posed by prosecutors and the civil parties and my  
10 colleague, Mr. Son Arun. I will try to be clear in my questions,  
11 but if you have trouble understanding the question please ask for  
12 clarification.

13 [11.26.55]

14 Q. You discussed, yesterday briefly, how you came to writing this  
15 book, and you described how you, during the Khmer Rouge regime,  
16 took notes but later destroyed those notes. And my first question  
17 is: Why, at the time of the Khmer Rouge regime, did you take  
18 notes?

19 MR. HUN CHHUNLY:

20 A. As an intellectual, I valued note-taking. I believed that it  
21 was a very important part of my life. However, during the Khmer  
22 Rouge regime, my house was checked on several -- and searched on  
23 several occasions, and I was afraid that the diary I kept would  
24 be found and I would be at risk. So I made the decision to have  
25 all my diaries destroyed. But I did my best to store the memory

1 in my brain instead of on the piece of paper, and I tried to  
2 associate some main events to make me remember the details of the  
3 events.

4 Q. And when -- how soon after the DK regime did you start writing  
5 up your experiences?

6 A. I started writing this book in 2006. It took me a long time to  
7 finish this book, because after 1979, everyone had to start from  
8 scratch. And everyone had to make sure that we were  
9 self-sustained and sufficient. And I never forgot to start  
10 writing this book.

11 [11.29.51]

12 I actually started to write the book in 2004, but by the time I  
13 wrote the book I was deprived of my sleep, because the memories  
14 made me find it difficult to have a good night's sleep, because  
15 these flood of memories kept haunting me during the night time,  
16 and then I had to quite writing for some time so that I could  
17 sleep very well. But, then, by 2006, I was determined to finish  
18 writing it. And the first edition of the book was available and  
19 the second edition was in 2010.

20 Q. So was 2004 the first moment that you put your experiences  
21 down on paper?

22 A. Yes, that is correct. I started in 2004. But when I first  
23 started writing, I was -- I couldn't get to sleep at night. I had  
24 to pause for about a few months, and then I started it again. But  
25 then, again, I could not get to sleep at night because of the

1 vivid memory of the past. And then, it was until 2006 I was  
2 determined to finish this book.

3 Q. The book is full of very specific dates and very specific  
4 events. And I was wondering if you used any other sources in  
5 writing this book?

6 [11.31.55]

7 For example, history books or newspaper articles to refresh your  
8 memory as to dates of important events?

9 A. In writing this book, it was my personal brief, and it was a  
10 reflection of my memory. I did not rely on any references, even  
11 those I cited as certain events concerning the rally of Sieu Heng  
12 with the then-Prince Norodom Sihanouk following the Geneva  
13 Convention in 1954. But other than this, I only reflected upon my  
14 experience that I have come across during the period.

15 Q. Have you read history books or articles that relate to the DK  
16 regime?

17 A. Yes, I have. In 1980, then in 1990, and the following dates, I  
18 read many history books.

19 [11.33.32]

20 Q. Do you remember names of titles of these history books?

21 A. I recall some of them; for example, a book written by a female  
22 French writer who was the wife of Sikoeun, in French, "Au-delà du  
23 ciel". I read it in the 1980s. Then I read a book written by  
24 Samdech Norodom Sihanouk entitled "The Prisoner of Khmer Rouge".

25 Q. And have you read books in English on the topic?

1 A. (Microphone not activated)

2 MR. PRESIDENT:

3 Please hold on, Witness. The mic is not yet activated.

4 MR. HUN CHUNNLY:

5 A. The book that I read was in French.

6 [11.35.00]

7 BY MR. PAUW:

8 Q. Maybe I was not clear. I was not speaking about this specific  
9 book; I was asking more in general. Have you read history books  
10 or articles in English on the era?

11 MR. HUN CHHUNLY:

12 A. I have simply seen those historic books -- history books, but  
13 I did not finish the reading.

14 Q. Earlier this morning, when my colleague Mr. Son Arun was  
15 asking questions, you mentioned that you did not remember when  
16 you had heard the name Brother Number 2. Is it possible that you  
17 heard that name for the first time after 1979?

18 A. I do not recall.

19 Q. You are a doctor, an educated man, and you took notes because  
20 you valued note-taking as an intellectual.

21 [11.37.03]

22 Is it fair to say that you wanted to take notes to make sure that  
23 your memories were accurate? Or the notes of your memories were  
24 accurate, rather?

25 A. Could you please repeat your question?

1 Q. Certainly. You said earlier that you valued note-taking as an  
2 intellectual. Am I correct in assuming that you wanted to take  
3 notes to make sure that your memories were accurately stored for  
4 a later time? Accurately reflected in those notes?

5 A. Yes, that is correct. But as for Brother Number 2, in  
6 particular, I did not take note of it. I did not know when I  
7 first heard of this, and I did not take note, and so I do not  
8 recall it now either.

9 Q. I understand that. I have heard you say that you wrote the  
10 book based on your own recollections, and that you did not look  
11 into outside sources when writing.

12 [11.38.56]

13 Is it possible that, while writing this book, your memory was  
14 influenced in one way or the other by the literature you had read  
15 on the Khmer Rouge in -- starting in 1980, then continuing after  
16 1990? And you mentioned some specific books, like "Au de la du  
17 Ciel" and "Prisoner of the Khmer Rouge". There may have been  
18 others. Do you think it's possible that your memory has been  
19 influenced by reading those books?

20 A. No, absolutely not. Those books I have read had nothing to do  
21 with my writing and so I was not influenced by them.

22 Q. Thank you. I may get back to this point at a later point, but  
23 for now I wanted to move on to a next topic. And that relates to  
24 your experiences surrounding the evacuation of Battambang. And I  
25 want to start a little bit before that -- before April 1975.

1 [11.40.40]

2 And you were working in a military hospital. Did you ever treat  
3 Khmer Rouge soldiers that had been brought in to your hospital  
4 for treatment, Khmer Rouge soldiers that had been wounded during  
5 the battle with Lon Nol?

6 A. During the period with which I worked at the military  
7 hospital, we did not receive the wounded Khmer Rouge soldiers in  
8 the hospital.

9 Q. Did you ever hear that -- did you ever hear it being said that  
10 most Khmer Rouge soldiers were executed after they were captured  
11 by the Lon Nol soldiers, whether or not they were wounded?

12 A. No, I did not hear about that.

13 Q. And when we then move to the experiences in Battambang  
14 surrounding the alleged transfer of Lon Nol soldiers in buses,  
15 you have stated -- and you were talking about the 19th of April  
16 -- and the reference number is, in English, 00369682; and Khmer  
17 ERN is, 00678758. It is a reference from your book, and I will  
18 read out the relevant excerpt:

19 "On the same day, following orders from 'the upper level',  
20 military officers from the grade of first lieutenant were  
21 gathering at a Chinese school in the town while rank-and-file  
22 soldiers were gathering at So Heu Primary School near the New  
23 Concrete Bridge".

24 [11.43.28]

25 "Those soldiers came by themselves, without weapons, and stayed

1 all day and night in the school buildings."

2 My first question is: Did you personally witness this? Did you  
3 see this event taking place?

4 A. As for the gathering of soldiers and senior soldiers at that  
5 school, I testified yesterday; I witnessed it by myself. Not only  
6 did I witness it, but I also went there to visit the military  
7 commanders who were assembled at a Chinese school in the middle  
8 of the town.

9 Q. And in this passage you state that this was conducted  
10 following orders from the upper level. And I know you testified  
11 on this issue yesterday as well.

12 [11.44.59]

13 I just want to get this issue clear.

14 How do you know that this incident happened following orders from  
15 the upper level?

16 A. In the Khmer Rouge regime, everything was kept in utmost  
17 secrecy. Matters were handled by the senior leaders at the upper  
18 level. This was a general knowledge of others that they refer to  
19 those people up in the hierarchy as the upper authority. And I do  
20 not know who were in the categories of upper levels. I only  
21 heard, and I was also afraid or frightened by those in the upper  
22 level position.

23 Q. You mentioned that secrecy was paramount. So did you know at  
24 which level this incident had been ordered?

25 A. I would like to dwell on this a little bit; on the 17th, there

1 were a few members of troops who came to Battambang city and  
2 after dawn those soldiers were very violent, and rather  
3 offensive. They were riding on motorbikes around, showing off  
4 with guns. And then, the next morning, they went to a place by  
5 the name of Anlong Vil. It was some 5 kilometres away from the  
6 provincial hall. They went there to receive the leaders of the  
7 Khmer Rouge.

8 [11.47.46]

9 And among those senior leaders, the high-profile one or the one  
10 that was known to the people in Battambang was Mr. Khek Penn. I  
11 mentioned this yesterday. And he was the former professor in the  
12 university in various provinces across Cambodia. And then, after  
13 his visit, there were several directives handed down. It was not  
14 actually in the form of written directives, but it was an oral  
15 directives. And at that time, we only knew that there were  
16 leaders of the Khmer Rouge. But as to where they stayed, what  
17 they ate, we did not know. We were down below -- did not know  
18 about this.

19 Q. Were you at the meeting several kilometres outside of  
20 Battambang town?

21 A. The meeting was not held in the provincial town, but there was  
22 a provincial delegation going to receive the leaders of the Khmer  
23 Rouge and accompany them to the provincial hall.

24 Q. Were you personally in attendance at that meeting?

25 [11.49.23]

1 A. No, I was not there, but my boss -- my boss with the rank of  
2 colonel -- he was the director of the hospital. He was in  
3 attendance.

4 Q. And did you personally hear or see any of these directives  
5 that were handed down, relating to the incident with the Lon Nol  
6 soldiers? Or are you basing your statement on what you have heard  
7 from other people?

8 A. Could you please repeat your question?

9 Q. Just now you spoke about directives being passed down that  
10 related to this incident with the Lon Nol soldiers. My question  
11 to you is: Did you personally hear Khmer Rouge soldiers passing  
12 down these directives, or did you see these directives in  
13 writing? Or, on the other hand, are you basing your knowledge on  
14 what you have heard from other people?

15 A. During the Khmer Rouge regime, they did not communicate in  
16 writing that much.

17 [11.51.15]

18 They did not use the papers. Normally the directive was issued  
19 orally, but the oral directive was very effective. But as for the  
20 soldiers who were summoned to assemble, I did not hear the  
21 directive ordering them to assemble. But I did see the commanders  
22 of soldiers assemble somewhere in the Chinese school. And the  
23 others assembled in the other school. But as whether I heard the  
24 directives or I saw it in written format, I did not.

25 Q. So would it be fair to say that, considering that you did not

1 personally hear the directive, and considering that you did not  
2 see the directive written down, you are merely assuming or  
3 concluding that there was such a directive?

4 A. I want to look at the implementation.

5 Q. I understand you want to look at the implementation: that is  
6 what you have witnessed or think you have witnessed.

7 [11.52.52]

8 I want to ask you questions about what you actually knew at the  
9 time.

10 You have stated that you saw these soldiers gathered. Do you know  
11 -- let me rephrase that.

12 Is it fair to say that, based on what you saw in that building,  
13 you concluded that there was an overall directive pertaining to  
14 this issue?

15 A. The soldiers who assembled in the two different places came to  
16 those places by the orders from their superior, from the upper  
17 authority. I cannot elaborate any further.

18 Q. I will leave this issue for now. I think it is clear.

19 You have stated, also, that these soldiers were taken away in  
20 five truckloads of officers.

21 Did you personally see those five trucks on that day?

22 A. Yes, I did. Rather, I did not see those five-load trucks by  
23 myself, but I heard from others later on that those five  
24 truckloads carried the officers and those who were well-known in  
25 Battambang province, and those who were the commanders of armies

1 in Battambang province -- toward Phnom Penh.

2 [11.55.20]

3 And on that very morning, at the Chinese school where the  
4 soldiers or officers assembled -- were empty. I did not see any  
5 of them mingling around that area anymore, because they had  
6 already been transported away.

7 Q. So, indeed you were told by other people that there were five  
8 trucks that had taken these officers away.

9 A. Yes, that's correct.

10 Q. A more general question that relates to this topic; during the  
11 Khmer Rouge regime, did you ever personally witness an execution?  
12 Did you see an execution?

13 A. I never witnessed the execution of people.

14 Q. So I don't want to ask the obvious, but I have to.

15 [11.56.56]

16 You did not witness the execution of these Lon Nol soldiers; is  
17 that correct?

18 A. Yes, it is.

19 Q. I will move on to a related topic. And you made mention today  
20 of a specific location in Battambang city that had been set apart  
21 for ethnic Vietnamese during the Lon Nol regime. Do you know why  
22 the Lon Nol authorities had created a special camp for the ethnic  
23 Vietnamese?

24 A. I knew that Lon Nol administration did not trust the  
25 Vietnamese, and they were afraid that the Vietnamese would spy in

1 order to get information for Vietcong. That's why there was an  
2 order that Vietnamese were gathered in a special camp. But this  
3 rounding up of Vietnamese were carried out at night. We only saw  
4 them gathered in these camps at night.

5 Q. And do you know anything -- did you hear anything about how  
6 these Vietnamese were gathered at night? Did people speak about  
7 that at the time?

8 A. Yes, I did. And I saw this because the location was not far  
9 from the hospital; I worked there and saw it.

10 Q. Could you tell us what those conditions were?

11 MR. PRESIDENT:

12 Mr. Witness, could you please hold on? International  
13 Co-Prosecutor, you may now proceed.

14 MR. ABDULHAK:

15 Your Honours, our objection is as to relevance.

16 [11.59.50]

17 We heard my learned friend object yesterday, vigorously, on the  
18 basis of scope of trial. And he is now entering into alleged  
19 policies of the Lon Nol government preceding 1975. Those issues  
20 are, in our submission, beyond the scope of this trial. And  
21 whilst perhaps contextual questions might be relevant, entering  
22 into specific instances clearly goes beyond the scope of this  
23 trial. Thank you.

24 MR. PAUW:

25 I can only agree with the prosecutor that there should be

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1 specific questions about specific instances, and this is a very  
2 specific instance. There is a camp that was apparently set up by  
3 the Vietnamese -- by the Lon Nol government, excuse me -- to keep  
4 the Vietnamese contained.

5 [12.00.46]

6 Why is it relevant? Contextual, indeed. Apparently, also, before  
7 the Khmer Rouge came to power there were issues surrounding the  
8 Vietnamese. Is it necessarily and directly exculpatory? No. Does  
9 it provide a relevance of -- does it provide a history of racial  
10 strife and tensions? Yes. It provides a context. If we look at  
11 Tadic, if we look at Akayesu, these questions should be  
12 addressed. But time is short, and I have no possibility to go  
13 into this issue much deeper for the moment anyway, so with your  
14 permission I will move on. And that's --

15 MR. PRESIDENT:

16 Thank you, Counsel. Indeed, it is also now appropriate time for  
17 lunch adjournment. The Chamber will adjourn until 1.30 p.m.  
18 Court officer is now instructed to assist the witness during this  
19 adjournment and have him returned to the courtroom by 1.30 p.m.  
20 Counsel, you may now proceed.

21 MR. PAUW:

22 And our client, Mr. Nuon Chea, suffers from a headache, back  
23 pain, and a lack of concentration, and would like to spend this  
24 afternoon in the holding cell.

25 [12.02.33]

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1 And we have prepared the waiver.

2 MR. PRESIDENT:

3 The Chamber notes the request of Mr. Nuon Chea through his  
4 counsel of which he asks that he be excused and be allowed to  
5 retire from the courtroom to observe proceedings from his holding  
6 cell due to his health concerns. This request is made with some  
7 proper justification, and that therefore the Chamber grants it.

8 Mr. Nuon Chea is now allowed to observe the Proceedings from his  
9 holding cell for the remainder of the day. Mr. Nuon Chea has made  
10 it very clear that he has waived his right to be present in the  
11 courtroom and the Chamber would like counsels for Mr. Nuon Chea  
12 to produce the waiver, given thumbprint or signed by Mr. Nuon  
13 Chea in due course.

14 [12.03.46]

15 AV booth officers are now instructed to ensure that the holding  
16 cell of Mr. Nuon Chea is well-connected to the audio-visual link  
17 so that he can observe the proceedings for the remainder of the  
18 day.

19 Security personnel are now instructed to bring Mr. Khieu Samphan  
20 and Nuon Chea to their respective holding cell and that Mr. Khieu  
21 Samphan is to be returned to the courtroom by 1.30 p.m. to the  
22 courtroom.

23 The Court it now adjourned.

24 (Court recesses from 1204H to 1332H)

25 MR. PRESIDENT:

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

2 Without further ado, we would like to hand over to counsels for  
3 Mr. Nuon Chea to continue putting questions to the witness.

4 MR. PAUW:

5 Thank you, Mr. President. And good morning -- good afternoon to  
6 everyone in and around the courtroom again. To give everyone,  
7 including the witness, a sense of the plans of the Defence today,  
8 I have discussed with my colleagues and I plan to continue  
9 questioning until 3 o'clock -- perhaps 3.15, then hand over to my  
10 colleagues.

11 And we would have a request from the Trial Chamber, which I  
12 understand has already been granted, that the Khieu Samphan would  
13 go first, to be followed by the Ieng Sary team afterwards.

14 [13.34.28]

15 So that is the roadmap of this afternoon, as far as we are  
16 concerned. And if that is not problematic, I will proceed with my  
17 questioning of the witness.

18 BY MR. PAUW:

19 Q. Mr. Hun Chhunly, before I start my questions, I want to make  
20 clear to you that my questions may seem at times difficult to  
21 answer. But what I'm trying to establish is your sources of  
22 knowledge -- how you know certain information and when you found  
23 out about this. So I am not trying to indicate that I do not  
24 believe you. I am simply trying to find out what you base your  
25 knowledge on.

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1 We have spoken about the evacuation of Battambang, and we have  
2 spoken about the Lon Nol soldiers. But you have also testified  
3 about the medical personnel at the military hospital. And you  
4 have stated that you understood -- it was your understanding that  
5 it was the policy of the Khmer Rouge to kill military medical  
6 personnel of a certain rank.

7 [13.36.18]

8 Very briefly, to confirm, is that indeed what you testified  
9 earlier? That you understood that there was a policy to kill  
10 military medical personnel of a certain rank?

11 MR. HUN CHHUNLY:

12 A. After Khmer Rouge troops had entered Battambang provincial  
13 town, the Khmer Rouge killed the 13 military personnel first.

14 Q. Thank you. And did any Khmer Rouge soldier or official that --  
15 this was a policy of the Khmer Rouge to kill all military medical  
16 personnel?

17 A. Through my experience, Khmer Rouge did not only kill the  
18 military medical personnel; they also killed civilian medical  
19 personnel. But that only happened on -- at the later date.

20 Q. I have heard you say that before; that they had killed  
21 military medical personnel and civilian medical personnel. But my  
22 question is a different one; who told you -- or were you told by  
23 anyone -- that it was a policy of the Khmer Rouge to kill  
24 military medical personnel?

25 [13.38.35]

1 Did anyone tell you about the policy?

2 A. This policy was not raised, but in real practical terms -- or  
3 in reality -- that's what we saw happened.

4 Q. So is it fair to say that, based on what you saw happen around  
5 you, you assumed or concluded that there was a policy?

6 A. I may say that it was part of the Khmer Rouge policy in  
7 executing the former military medical personnel and the civilian  
8 medical personnel and other intellectuals and educated people.

9 Q. In the translation, at least, you say that these killing were  
10 part of a policy of the Khmer Rouge. My question remains; is it  
11 fair to say that you assumed that there was such a policy, based  
12 on what you saw happening around you?

13 A. I think it was wrong to say that I presumed.

14 [13.40.37]

15 I indeed did not speculate. There was nothing of speculation in  
16 my statement, because I was testifying before the Chamber based  
17 on what I saw. And that's what happened all across Cambodia at  
18 the time.

19 Q. I will leave this for now; perhaps my colleague want to follow  
20 up on this later, but I am conscious of the time.

21 You just stated that this was what was going on in Cambodia --  
22 all over Cambodia at the time. And I want to quote to you an  
23 excerpt from your book that can be found in English ERN 00369675  
24 and Khmer ERN is 00678751. And it is the prologue to your book,  
25 and you write -- and I quote:

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1 "My book covers only Battambang town and two Districts of  
2 Battambang province. In Battambang town, I worked in two Khmer  
3 Rouge Regional Hospitals: the Military Hospital and the Civilian  
4 Hospital. I don't know whether in other provinces the Khmer Rouge  
5 had called Health staff of the old society' to work in their  
6 hospitals and then had physically eliminated them." End of quote.

7 [13.42.16]

8 So here you say that you don't know whether, in other provinces,  
9 the Khmer Rouge had called the health staff of the old society to  
10 work in their hospitals and then had physically eliminated them.  
11 Is it fair to say that you are not in a position to comment on  
12 what the Khmer Rouge policy was in Cambodia as a country at the  
13 time?

14 A. What I was saying was that, at Battambang, the Khmer Rouge  
15 asked that the medical staff work at the hospital, and at a later  
16 date they were executed. I did not know whether they were  
17 executed altogether, but it happened to me that these individuals  
18 were executed one after another. The execution did take place.

19 Q. I'm not talking about the executions in Battambang at the  
20 moment; I'm talking about something different.

21 [13.43.46]

22 A few minutes ago, you stated that all this was part of a policy  
23 that was implemented in Cambodia nationwide. Just now, I read to  
24 you an except where you yourself indicated that you don't know  
25 whether in other provinces the Khmer Rouge had called health

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1 staff back to work in their hospitals and then had killed them.

2 Is it fair, Mr. Witness, to say that you cannot comment on the

3 policy that was in place in Cambodia at the time simply because

4 you did not experience it? You did not see it. You were confined

5 to Battambang and to these two districts of Battambang province.

6 A. You are correct to say that, and that's what I wrote. In my

7 book, I knew that in Battambang, the medical staff were asked to

8 work but later on executed. I don't know whether these incidents

9 also happened elsewhere as it did in Battambang.

10 Q. Thank you. Yesterday, you spoke about the staff at the

11 civilian hospital. And you stated, and you've stated it again

12 today, that staff -- medical staff -- at the civilian hospitals

13 were executed starting from 1977.

14 [13.45.52]

15 You have already stated that you personally never witnessed an

16 execution. Today, you also commented that some of these people --

17 some of these staff members -- were either sent to work in the

18 field or disappeared.

19 Is it possible that some of the medical staff that was taken away

20 or that was removed from the hospitals after 1977 was not

21 executed but, for example, was relocated to work in the fields or

22 possibly escaped the country after the fall of the Khmer Rouge?

23 A. As to the civilian medical personnel, these people were asked

24 to work as doctors at hospitals at district level. There were

25 four offices where these people were asked to work. And on the

1 30th of January 1977, order was made that these people had to  
2 move to the new location. And on the 31st, the following day,  
3 everyone had already been transferred to the new places.

4 [13.47.45]

5 And we had to go to the cooperatives. And, later on, we learned  
6 that each of them disappeared one after another. And the two of  
7 whom -- whose names appeared on the list of the prisoners at S-21  
8 were indicated this morning. Some people had been asked to treat  
9 sick people, but they never returned. I learned about this  
10 because their spouses, who survived the regime, told me that  
11 their husbands would never come back.

12 Q. Thank you. And then moving on to another disappearance -- of  
13 Mr. Sieu Heng. In your book, when you speak about Mr. Sieu Heng  
14 on page -- Khmer ERN 00678758 and English ERN 00369682 -- you  
15 state:

16 "We received no more information but mouth-to-ear news spreading  
17 in the town. We heard that in Wat Kor commune, next to Battambang  
18 town, the Khmer Rouge soldiers collected into a military truck  
19 Mr. Sieu Heng, who lay hemiplegic at home and drove him away on  
20 the national road Battambang-Pailin."

21 So you speak of "mouth-to-ear" news. And the same with the  
22 disappearance of Mr. Achar Sieng. You answered initially that you  
23 had no idea who ordered the disappearance of Mr. Achar Sieng.  
24 Is it fair to say that whatever you know about the disappearance  
25 of these two individuals you know because of hearsay?

1 [13.50.16]

2 Because of word of mouth communications? Mouth-to-ear, in your --  
3 A. On the 17th of April 1975, we heard a radio broadcast from  
4 Phnom Penh concerning what being said on this. But a few days  
5 later, I had no access to such Phnom Penh radio channel anymore,  
6 because there was no such reception. And I've heard about this on  
7 -- based on word of mouth, and it proves to be correct. Sieu  
8 Heng's wife was taken away, and that -- Khmer Rouge asked me to  
9 work at hospital P-2, and on - in the afternoon -- or at noon,  
10 rather, I would pay a visit to Sieu Heng's house and met his wife  
11 with children at home.

12 [13.51.55]

13 With regard to Achar Sieng, he was also taken away, but I did not  
14 know who ordered his removal.

15 Q. You say you did not know who ordered his removal. Yesterday,  
16 you later stated that you later learned that it was an order for  
17 -- that it was an order of the upper echelon.

18 Is it fair to say that, since you did not know who had ordered  
19 the removal of Achar Sieng, that you're also speculating or  
20 assuming as to who ordered him to be removed?

21 A. I didn't assume at all, but the fact is that the order was  
22 made from the Upper Echelon. People would just tell you that they  
23 did not know about this, or they would choose to say that the  
24 order was made from the Upper Echelon.

25 Q. You say you did not assume at all. You said the order was made

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1 from the Upper Echelon. Who made the order in the Upper Echelon?

2 A. I do not think I know about this, but your question would be  
3 directed to the Khmer Rouge themselves, because this language was  
4 those used by the Khmer Rouge.

5 Q. Then, if you do not know who ordered the removal of Achar  
6 Sieng, would you not say that you are assuming that there was an  
7 order from the Upper Echelon?

8 A. I still understand that it was the order by the Upper Echelon  
9 of the Khmer Rouge.

10 [13.55.00]

11 And when it comes to Upper Echelon, it is the language the Khmer  
12 Rouge used. Because every time they rendered -- every time they  
13 talked to us, they would just refer to the order and instructions  
14 received by the Upper Echelon. Perhaps they tried to evade the  
15 responsibility. And every member or every Cambodian citizen  
16 during that time learned this very well; that any order would  
17 have been made by Upper Echelon, because the Khmer Rouge used  
18 this term every now and then.

19 Q. So is it then fair to say that you base your answer on your  
20 understanding of the system that was in place during the Khmer  
21 Rouge?

22 A. Yes, it is part of the system applied during the Khmer Rouge.

23 Q. I will leave this topic for now, and move on to a next topic.

24 [13.56.29]

25 And that is your time at Preaek Luong hospital. It was in May

1 until July, 1975. And you describe -- and I will paraphrase that  
2 Mit Sou had ordered for all physicians and a small number of  
3 nurses and midwives to work in the hospitals. And your friend,  
4 Mr. Thach Be asked you to pack and to go with him back to  
5 Battambang, and to also fetch Dr. Ny Chham. Is that correct? Did,  
6 indeed Mit Sou issue orders to call all physicians and a small  
7 number of nurses and midwives to work in the hospitals?

8 A. Yes, it is correct. People were asked to work at Preaek Luong  
9 hospital. Letters were issued from Comrade Sou asking me to work  
10 at Preaek Luong hospital. However, before I had to work at Preaek  
11 Luong, I was asked also to get another physician at a village to  
12 work with me.

13 Q. And when you say that people were asked to work in Preaek  
14 Luong hospital, do you mean medically-trained personnel that was  
15 asked to work at the hospital?

16 A. At Preaek Luong hospital, it was a former high school. It was  
17 a school, for sure. The school was closed, and then they  
18 converted the school into the hospital. And we did not have  
19 enough facility or medical equipment for our medical purposes.

20 Q. My question was slightly different; Mit Sou ordered physicians  
21 and a small number of nurses and midwives to work in the  
22 hospitals.

23 [13.59.20]

24 You went to Preaek Luong hospital, Dr. Ny Chham came to work in  
25 the hospital. Did other doctors come to work in the hospital with

1 you?

2 A. At Preaek Luong hospital, I was joined by another physician,  
3 Khim Kimsan -- whose name also appeared on the list of the  
4 prisoner's list at Tuol Sleng -- and physician, Ny Chham, and a  
5 dentist and a nurse. Altogether, there were four medical  
6 personnel. Apart from these four people I knew, the rest was the  
7 Khmer Rouge medical staff.

8 Q. And speaking about Preaek Luong hospital; this was a hospital  
9 meant for civilians; am I correct?

10 A. Preaek Luong hospital was a district-level hospital open to  
11 treat civilians.

12 Q. And you have stated in your book that, for those patients who  
13 were really sick, you ordered the right drugs.

14 [14.01.25]

15 Where were these drugs found?

16 A. I did not know where these medicines were obtained in the  
17 first place, but there was a warehouse -- the medicine warehouse  
18 under the supervision of the director of the hospital. But I did  
19 not know where they had obtained those medicines from.

20 Q. So, in that Khmer Rouge hospital, you treated patients and you  
21 managed to order the right drugs that were meant for civilians.  
22 Is that a correct statement, as far as Preaek Luong hospital is  
23 concerned?

24 A. That is correct.

25 Q. And, moving on to your time at the military hospital, P-2 --

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1 you were there in July 1975 until October 1976. Do you remember  
2 some of the names of the physicians working there with you?

3 [14.03.41]

4 A. I had worked in Preaek Luong Hospital for about two months.  
5 Then I received a letter from the Deputy Commander of Sector 3,  
6 and this letter designated me to work in P-2 military hospital.  
7 And in this particular hospital, I was the only physician over  
8 there and others were Khmer Rouge medics.

9 But as for the personnel of the hospital, they were divided into  
10 two groups: one was male medics and medical personnel, and the  
11 others were the female medical personnel.

12 But those people were categorized based on their family  
13 background. For example, some would be placed one group, who were  
14 the sons or daughters of the Khmer Rouge cadres, and others were  
15 the sons or daughters of other people, ordinary people.

16 As for myself, I was assigned to the group of the medical  
17 personnel who were from the people's background. And when I was  
18 there, I did not hold any position. I was the rank and file  
19 personnel over there, and I also considered myself as one of the  
20 prisoner myself over there.

21 But at that time, whenever there were any technical problems, for  
22 example, when they needed certain physicians in order to treat  
23 certain diseases, then they would call up on me to examine and  
24 treat those patients.

25 [14.05.56]

1 Q. I will ask you to keep your answers a bit short. Time is of  
2 the essence. So I want to move on to a next topic, and you have  
3 discussed it briefly in your book, and you have briefly spoken  
4 about it on Monday, and it's experimental surgery.

5 And you said a few things about the topic yesterday, but my  
6 question to you today is: Did you ever personally witness  
7 experimental surgery by any Khmer Rouge official or medical  
8 staff?

9 So I am not talking about what people have told you. I'm not  
10 talking about what you may have read somewhere. I'm talking about  
11 whether you, personally, have seen experimental surgery conducted  
12 by the Khmer Rouge or perhaps -- that is a possibility --  
13 participated in it?

14 A. Yesterday, I also testified on this issue. There was a case  
15 when a lady was injected with --

16 Q. I'm going to interrupt you here. We heard what you stated  
17 yesterday.

18 My question is simple. Did you personally see experimental  
19 surgery being conducted or did you perhaps participate in  
20 experimental surgery?

21 [14.08.05]

22 A. I would like to ask you back. Your question was that whether I  
23 saw or witnessed the surgery experiment, but which instance did  
24 you refer to? Are you asking me about the lady whom I said  
25 yesterday was injected with anaesthetic or you were talking about

1 experimenting general surgical experiment at that time, in  
2 general?

3 Q. Experimental surgery as conducted by the Khmer Rouge, and you  
4 have spoken about this issue in your book, and it relates to  
5 experiments that were allegedly conducted with people being  
6 operated upon while still alive for training purposes.

7 A. I never witnessed these experimental surgeries and neither did  
8 I participate in this experiment because I was not -- my  
9 expertise was not in anaesthetic medicine.

10 [14.09.40]

11 Q. Thank you. I will move on to the next topic, and that is the  
12 incident that was also discussed yesterday by the Co-Prosecutor,  
13 and it was at the time where you went with Chan who was a former  
14 teacher of the Fine Arts to go to Moug Ruessei town. And I  
15 apologize for the pronunciation, but I want to read a part of  
16 this segment to you.

17 It is Khmer ERN 00369705. My apologies, that's English ERN. And  
18 the Khmer ERN is 00678789. And I will read:

19 "After lunch, I invited Chan to make a stroll along the river  
20 back to Moug Ruessei town. An old man waved at me. I approached  
21 him. "What are you doing here?" "I accompany the band of  
22 artists". I replied. "Please take this sticky rice cake." He said  
23 while handing it to me. We thanked him and continued our way  
24 until we reached the National Road 5. Our truck driver was  
25 sitting on a big rock near a destroyed bridge. I was embarrassed

1 by a stink smell. Before April 17th 1975, Moung Ruessei was a  
2 fierce battlefield. Noticing my uncomfortable behaviour, the  
3 driver said many people were killed in this area and the  
4 decomposed bodies are still around." End of quote.

5 Hence, I have a little bit of trouble understanding the passage,  
6 so I want to make sure I understand it correctly.

7 [14.12.11]

8 Am I correct in understanding that you state that the bodies you  
9 smelled or at least the bad smell that was at that place were the  
10 bodies of soldiers that had been killed in combat before April  
11 17th?

12 A. Yes. That is correct. At Moung Ruessei, there was one barrack  
13 known as Banteay Svay, and before they took over Battambang city,  
14 the Khmer Rouge soldiers destroyed this barrack, and the  
15 battlefield at the time was very fierce. Even the brick houses in  
16 Moung Ruessei were damaged by artillery and gunfire. And then  
17 they fought their way all the way to Battambang city.

18 And when I was about to reach a river stream, I could smell the  
19 decomposed bodies. It stinks, and people around me told me that  
20 there were dead bodies from the fighting and some of them were  
21 not yet removed. That's why I could smell the stink.

22 Q. And were those bodies belonging to both Lon Nol soldiers and  
23 to former -- sorry, to Lon Nol soldiers and Khmer Rouge soldiers  
24 as far as you can tell?

25 A. What I could say was that those were the dead bodies of the

1 Lon Nol soldiers and some were Khmer Rouge soldiers and some were  
2 even ordinary citizens because the battlefield in Moung Ruessei  
3 was fierce and some civilians were also killed in that battle.

4 [14.14.48]

5 Q. And do you know what happened to those bodies? Do you know  
6 whether they were buried or whether something else happened to  
7 those bodies?

8 A. That, I did not know.

9 Q. Did you have experience, perhaps as a doctor, what people  
10 would do with the bodies of soldiers that died in combat before  
11 April 1975? Were they all buried in individual graves or were  
12 they perhaps assembled in mass graves?

13 A. I did not witness how they treated those bodies but by  
14 Cambodian tradition, the dead bodies would be cremated.  
15 Generally, dead bodies would be cremated in the crematory lot in  
16 the pagoda.

17 [14.16.32]

18 Q. And do you know whether it had happened with all the bodies of  
19 soldiers that were killed in combat?

20 A. I did not know it all and I did not see everything either that  
21 time.

22 Q. In your book, you speak about another event and it can be  
23 found on English ERN 00369813; Khmer ERN 00678932; and you write:  
24 "Another tragic event took place in 1982. It was the infamous  
25 strategic K-5 plan that was twice longer than the Khmer Rouge

1 time and took lives of many hundreds of thousands of people  
2 throughout the country." End of quote.

3 So, according to you, the K-5 plan took the lives of many  
4 hundreds of thousands of people throughout the country. Do you  
5 know where these people were buried?

6 A. I think that you are deviating from the topic because if I'm  
7 understanding correctly, your question should be within the  
8 confines of the 1975 to 1979, and now, you are moving to 1982.

9 MR. PRESIDENT:

10 The witness needs not answer this question because the question  
11 is irrelevant.

12 [14.18.47]

13 BY MR. PAUW:

14 Q. Mr. Witness, can I ask you who has told you that you need to  
15 only answer questions within the confines of 1975 to 1979?

16 MR. HUN CHHUNLY:

17 A. I know the temporal jurisdiction of this Court -- that is the  
18 crimes that took place in 1975 through 1979. That's what I have  
19 known, but if the President so directs me to respond to the  
20 question, I will do so. I will take the direction from the  
21 President and if this is not --

22 MR. PRESIDENT:

23 I have already ruled on this issue and you need not answer to  
24 this question because it is not within the confines of the  
25 current case.

1 [14.20.07]

2 BY MR. PAUW:

3 Q. In document D140/1/1, which is the demographic expert report  
4 by Ewa Tabeau, the following is stated:

5 "It is unquestionable that the data from the DC-Cam mass grave  
6 mapping are an essential source on victims of the Khmer Rouge  
7 Regime in Cambodia. Thus using this data for an estimate of  
8 victims not only makes a lot of sense but is important and needs  
9 to be done. It is unquestionable that a vast majority of victims  
10 in the mass graves, if not all, are Khmer Rouge victims."

11 Also in that report, Ewa Tabeau states that she is not aware of  
12 any other incident in Cambodian history that caused massive loss  
13 of life. So it is clear that she is not familiar with the K-5  
14 episode, which, according to this witness, has caused the life of  
15 hundreds of thousands of people. K-5 took place especially around  
16 the region of Battambang and for that reason, it is likely that  
17 people that died in K-5 or under the K-5 project ended up in mass  
18 graves simply because there were hundreds of thousands of them.

19 So it is a relevant question whether this witness knows where  
20 these bodies were disposed of, the K-5 victims, simply because we  
21 need to know what the source is of these bodies in the mass  
22 graves, especially around Battambang.

23 [14.22.21]

24 So in this exceptional situation, a question outside the temporal  
25 jurisdiction of this Court is appropriate simply because it goes

1 to direct evidence. It provides --

2 MR. PRESIDENT:

3 Witness needs not answer this question because the Defence  
4 himself understands it very well and he has also made it clear  
5 that it is not within the temporal jurisdiction of the ECCC.

6 [14.23.01]

7 MR. PAUW:

8 But I will ask for a better reason to order than that "it is not  
9 in the temporal jurisdiction". I am claiming, the Defence is  
10 claiming that hundreds of thousands of victims are not killed by  
11 the Khmer Rouge but by the K-5 Plan instead. It's an alternative  
12 theory. This witness has valid information. He speaks of hundreds  
13 of thousands of people that were killed. It, simply, is relevant  
14 and is exculpatory and we need to be allowed to pursue this.  
15 And simply pointing at the temporal jurisdiction will not do in  
16 this instance, Mr. President, with all due respect.

17 [14.23.44]

18 MR. PRESIDENT:

19 We have listened to your own explanation that, it is outside the  
20 temporal jurisdiction of the ECCC. So it is very clear now that  
21 it is not relevant. That's why the Chamber advised you not to ask  
22 any question that is not within the confines of the current case.  
23 And you may put the questions that are within the confines of  
24 Case 002/01.

25 Now, the witness is testifying on two aspects; the evacuation as

1 well as the application of local policy. And I made it clear from  
2 the outset of the topics of his testimony.

3 So, all parties were advised to put the questions relevant to  
4 this topic with the witness in question.

5 So the question you put just now to the witness is beyond the  
6 scope of Case 002/01 and, in addition, it also goes out of the  
7 topics that the witness before us may have the capacity to  
8 testify before the Chamber.

9 MR. PAUW:

10 Mr. President, I will move on. I will simply, for the record,  
11 state that it is within the knowledge of this witness. He has  
12 actually written a book about it. And simply being outside the --  
13 [14.25.23]

14 MR. PRESIDENT:

15 You move on. If you do not have any further questions, you may  
16 hand over the floor to the other defence teams. So move on  
17 please.

18 BY MR. PAUW:

19 I will move on to the next topic, as I'm prevented from pursuing  
20 this exculpatory line of questions.

21 Q. You have stated, Mr. Witness, that, "The District was far from  
22 my location". You were testifying about this when you were  
23 describing the structure of the DK Regime. And could you provide  
24 some explanation as to what you mean when you say, "The District  
25 was far from my location"?

1 MR. HUN CHHUNLY:

2 A. If we look at the administrative structure of the Khmer Rouge,  
3 it goes as follows: There is a village structure, a commune,  
4 district, sector, and zone. At the district level, the District  
5 Office is far from the village where I resided. That's what I  
6 meant. Actually, it was not too far, but the administrative  
7 structure that is close to the people was the Commune Committee.  
8 [14.27.36]

9 Q. So did you know what was happening at the District Office  
10 during the Democratic Kampuchea?

11 A. No, there was no way I could know about it because at that  
12 time, we did not have the liberty to move around. We could not  
13 move out of our village on our own, otherwise we would run an  
14 inherent risk. So we had to stay in our own village.  
15 [14.28.20]

16 Q. Thank you.

17 In your book, you speak on two occasions about brainwashing by  
18 the Vietnamese authorities, and you mentioned three Cambodian  
19 government officials that went on a brainwashing session in  
20 Vietnam and you, yourself, state that you went to a six-month  
21 political training which was just a brainwashing course. And I'm  
22 quoting, "It was just a brainwashing course".  
23 And it can be found on English ERN 00369807; Khmer ERN 00678926.  
24 And again I repeat, 00678926 and also Khmer ERN 00678933.  
25 Can you tell us what the Vietnamese tried to teach you in those

1 brainwashing courses?

2 [14.30.04]

3 MR. PRESIDENT:

4 Mr. Witness, please hold on. International Co-Prosecutor, you may  
5 now proceed.

6 MR. ABDULHAK:

7 Your Honours, my learned friend is not directing us to a specific  
8 passage but if I'm not mistaken, this deals with events well  
9 outside the scope of the trial and after the Democratic Kampuchea  
10 period. I see no relevance to this line of questioning and on  
11 that basis, we would object.

12 MR. PAUW:

13 Mr. President, I am -- will for the benefit of the Prosecution  
14 read out the relevant passage on English ERN 00369814 and it  
15 says:

16 "In 1986: After returning from the 10th course of a six-month  
17 political training at Thu Duc, Vietnam, which was just a  
18 brainwashing course, I traveled by car to Nam Sap in Bovel  
19 District."

20 And obviously, this is relevant. It goes to the credibility of  
21 this witness and other witnesses, and the witness indicates that  
22 the Vietnamese were in the business of brainwashing and it  
23 related to political issues.

24 [14.31.24]

25 We have always maintained that part of the reason why the focus

1 of this case is on only these few defendants has been Vietnam's  
2 desire and later the CPP's desire to hold only a few people  
3 accountable for these crimes rather than larger parts of the  
4 population.

5 In other words, the Vietnamese had an agenda and that agenda  
6 influenced their actions.

7 [14.31.48]

8 And we are not alone in this. David Chandler, in his writings,  
9 acknowledges this. And now we hear from this witness or from his  
10 writing that these Vietnamese had been involved in political  
11 brainwashing and this is obviously relevant.

12 So by the credibility of this witness and of other witnesses and  
13 it relates directly to sources of knowledge, we need to know  
14 whether the Vietnamese are perhaps educated people, like this  
15 witness, on their version of the facts of the 1970s. We need to  
16 know whether they were fed information and here we have a witness  
17 who can testify, who can explain what the agenda of the  
18 Vietnamese was. And what these brainwashing sessions consisted  
19 of, and we are not making up that word. It's the witness that  
20 speaks of brainwashing.

21 [14.32.43]

22 If we have a witness, any witness in any court in the world that  
23 indicates that he has attended brainwashing courses, it is  
24 relevant. It goes to the credibility of this witness. It goes to  
25 his sources of knowledge, and the Defence must be allowed to

1 further explore this issue. It doesn't get more fresh than  
2 brainwashing, I would say.

3 MR. KARNAVAS:

4 Mr. President, if I may be heard as well because this issue  
5 touches upon us as well. Let me just supplement.

6 The gentleman here has indicated that 25 years after the events,  
7 he began writing a book, 25 years.

8 Also in his testimony, he has indicated that he didn't consult  
9 any material. This is purely from his brain. He admits in his  
10 book of the Vietnamese brainwashing him or at least attempting to  
11 brainwash him, speaking all sorts of things about the Chinese,  
12 the Kampuchea Krom, and what have you.

13 Now clearly, we should be able to explore what exactly, what sort  
14 of brainwashing might have occurred because it does or it may  
15 have impacted the way he views things 25 years later when he sits  
16 down to draft.

17 [14.34.08]

18 And with respect to the objection that was raised earlier that we  
19 cannot go beyond the temporal jurisdiction, on August 6th, 2012,  
20 witness Suong Sikoeun was asked to comment or was permitted to  
21 discuss matters that went beyond 1979.

22 And so when it is pertinent and relevant, the Trial Chamber has  
23 been flexible and has been very realistic in allowing the parties  
24 to go beyond the '75 to '79.

25 So I think this is very relevant. It goes to the credibility and

1 the sources of knowledge in writing this book. Thank you.

2 [14.34.55]

3 MR. PRESIDENT:

4 The International Co-Prosecutor, you may now proceed.

5 MR. ABDULHAK:

6 Thank you, Mr. President. I'm on my feet in light of the

7 additional submissions put forward by my learned friends.

8 If there was a legitimate basis, if there was a legitimate basis

9 to question the witness' bias, to question inconsistencies in his

10 evidence, if there was any shred, however remote, of evidence

11 that his recollections have been affected to this point, we may

12 not have objected. But this is a wild claim that, because of

13 alleged policies of other world governments, including China and

14 Vietnam in the 1980s, that because of those policies, because of

15 a session this witness actually dismisses as brainwashing, and

16 because of a claim that has basically no foundation in fact and

17 of course does not present a legitimate defence for Nuon Chea or

18 for Ieng Sary, it's simply not proper for the Defence to explore

19 these types of avenues.

20 [14.36.05]

21 If there was a proper basis, if there was a proper foundation, we

22 would not have objected. It is not sufficient simply for the

23 Defence to say, because we say that a certain government was

24 involved in setting certain policies, therefore, we should be

25 able to pursue whatever questions we wish with this witness,

1 whether or not a legitimate foundation arises from his evidence  
2 that we've been hearing over the last two days.

3 So we would invite Your Honours to sustain the objection and to  
4 stop this line of questioning.

5 MR. PAUW:

6 Mr. President, if I may respond to the Prosecution's reply to my  
7 colleague, Mr. Karnavas, very briefly.

8 We submit that there is a basis because the basis is that the  
9 witness states that he has been attending brainwashing sessions,  
10 and these brainwashing sessions related to political issues. This  
11 case is a political case partly.

12 [14.37.03]

13 Second point, it is not just this witness. It is relevant for  
14 this part of the argument at least whether this witness has been  
15 effectively brainwashed. It is important that brainwashing  
16 sessions apparently took place. The Vietnamese were in the  
17 business of brainwashing Cambodians at the time, and he writes  
18 this in his book. He says that three other officials attended  
19 brainwashing sessions in Vietnam.

20 It is not the Defence making this up. This witness is testifying  
21 from his own experience.

22 So it is obviously relevant to see what these brainwashing  
23 programs in Vietnam consisted of.

24 This witness can explain. He might be one of the very few  
25 witnesses in the world that can explain what these brainwashing

1 sessions consisted of also for these other officials.

2 (Judges deliberate)

3 [14.41.49]

4 MR. PRESIDENT:

5 Judge Cartwright, you may now proceed.

6 JUDGE CARTWRIGHT:

7 Thank you, President. The Chamber has decided to ask a few  
8 questions directly to this witness, and you may be seated while  
9 we do that. Thank you, Mr. Pauw.

10 JUDGE CARTWRIGHT:

11 The Judges of the Trial Chamber would like you to confirm that  
12 you did, indeed, use the term "brainwashing sessions"? That is  
13 the first question.

14 MR. HUN CHHUNLY:

15 Your Honours, in my last -- in the book I wrote about what  
16 happened as well after 1979. I may wish to refer to the book as  
17 reference because I may forget the terms I used.

18 Yes, in 1979, I was assigned to attend a political study session  
19 for six months with officials in Phnom Penh and from other parts  
20 of the country. It was a political study session.

21 [14.43.45]

22 And for me, I indeed say that that session is more or less like a  
23 brainwashing session but this political session did not influence  
24 my writing, as what the counsel for Mr. Nuon Chea indicated.

25 JUDGE CARTWRIGHT:

1 Well, thank you. That was to be my next question, which was what  
2 assessment of the impact of these sessions do you believe they  
3 had on you, and you, I think, just answered that.

4 Was there any further matter that any Judge wished to pursue on  
5 this? And I think that the Chamber has agreed that any questions  
6 about the subject matter of these sessions is irrelevant to the  
7 facts that we are concerned with in Case 002 001.

8 Thank you, President.

9 MR. PRESIDENT:

10 It is now an appropriate time for the adjournment. We will  
11 adjourn for 15 minutes. The next session will be resumed by 3  
12 o'clock.

13 Court officer is now instructed to assist the witness during this  
14 recess.

15 (Court recesses from 1445H to 1505H)

16 MR. PRESIDENT:

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

18 Without further ado, I would like to now hand over to counsel for  
19 Mr. Nuon Chea to continue putting questions to the witness.

20 MR. PAUW:

21 Thank you, Mr. President.

22 Just before the break, we were talking about these brainwashing  
23 sessions and I understand that the Trial Chamber does not want to  
24 go into the contents of these brainwashing sessions, and I will  
25 respect that ruling.

1 [15.06.37]

2 Just for the record, it's the Defence's position that even if the  
3 witness has not been brainwashed, as such, it's still relevant to  
4 explore his sources of knowledge, especially these political  
5 training sessions were conducted -- or these brainwashing  
6 sessions were conducted by the arch enemy of the Khmer Rouge; it  
7 was Vietnam.

8 But again, this is for the record and this --

9 [15.07.09]

10 MR. PRESIDENT:

11 Counsel, it is our understanding that the ruling was already made  
12 and that you already approved such thing and that you shall  
13 proceed with some more questions that relevant to the case, not  
14 the same questions.

15 MR. PAUW:

16 I understand, Mr. President, just to, indeed, make sure that we  
17 do not approve. We accept the ruling, but we do not approve.

18 MR. PRESIDENT:

19 Then you already accept the ruling, then you proceed, please,  
20 because your time is running short.

21 MR. PAUW:

22 I will hurry then.

23 And my question is, I will not touch upon the contents of these  
24 brainwashing sessions, but can I have the witness confirm that  
25 he, indeed, wrote in his book that this brainwashing course was a

1 -- of a six-month duration? I will not ask about the contents,  
2 but on page 00369814 of English and Khmer ERN 00678934, the  
3 witness writes:

4 "After returning from the 10th course of a six-month political  
5 training -- which was just a brainwashing course"; can I have the  
6 witness confirm that, indeed, it was a six-month session that he  
7 attended in Vietnam?

8 I'm asking for the permission from the Bench whether I can,  
9 indeed, ask for the duration of the brainwashing session in 1986.  
10 I don't want to go beyond the boundaries set by your Trial  
11 Chamber.

12 [15.09.36]

13 MR. PRESIDENT:

14 You are not allowed to ask this question again because the  
15 witness already confirmed that the session last for six months  
16 and you may go back to the transcript for reference.

17 MR. PAUW:

18 Thank you.

19 [15.09.49]

20 And I will not go into the contents, again, of this witness'  
21 brainwashing session, but am I allowed to ask him whether he  
22 knows about the contents of the brainwashing session that was  
23 followed by the three Cambodian officials that are referenced in  
24 his book who also attended a political training session or is  
25 that content of those brainwashing sessions also not of interest

1 to the Trail Chamber?

2 If the witness doesn't know the contents, of course, he can say  
3 so, but if he does, it would be very interesting to the Defence,  
4 again, considering the particular role played by Vietnam in all  
5 of this.

6 MR. PRESIDENT:

7 The Chamber has already ruled upon this that the matter you're  
8 discussing is outside of the scope of the proceedings. Whether  
9 you approve it or not, it is your choice, but the ruling has  
10 already been made. And that you are now instructed to proceed to  
11 another topic if you think you still have a few more questions to  
12 pose to the witness and that you're not infringed on the time  
13 allocated to the other counsels.

14 BY MR. PAUW:

15 Thank you, Mr. President. I will move on.

16 Q. I will leave the brainwashing sessions for what they are,  
17 sadly, and move on to the next topic.

18 Mr. Witness, you have written that when the Vietnamese liberated  
19 Battambang that they handed out rice to Cambodians, but that the  
20 lion's share went to Vietnamese soldiers.

21 [15.11.55]

22 And you've also stated -- and I will provide the references in a  
23 minute -- that these three government officials that had been  
24 brainwashed, that they announced, during a meeting, after the  
25 fall of the Khmer Rouge that, and I quote from your book:

1 "Our government does not allow the International Red Cross or  
2 other international organizations to provide assistance to the  
3 Cambodian people through the Cambodian-Thai border."

4 [15.12.28]

5 And those references can be found on English ERN 00369791, Khmer  
6 ERN 00678904. The second reference was found on English ERN  
7 00369808, Khmer ERN 00678927.

8 You were there at the time, Mr. Witness, and you were a doctor.

9 In your opinion, did the decision not to allow aid relief to flow  
10 through the Cambodian-Thai border, at the time, cost the lives of  
11 Cambodians?

12 MR. HUN CHHUNLY:

13 A. I know about this because the provincial officials said that  
14 if the international organizations would like to help Cambodia,  
15 they needed to go all the way through Phnom Penh, not through the  
16 border. That's what they said.

17 Q. And what was the result of this position? Do you know whether  
18 any goods crossed the border between Cambodia and Thailand, any  
19 relief aid after the fall of the Khmer Rouge?

20 MR. PRESIDENT:

21 Mr. Witness, you are now instructed not to respond to the  
22 question because it is really far from the scope of the issue  
23 being discussed and the question, itself, is not relevant.

24 MR. PAUW:

25 I will, for the record, provide two sentences of reasoning why it

1 is relevant. It is simple. If part of the deaths that are now  
2 attributed to the Khmer Rouge can, in fact, be attributed to the  
3 Vietnamese not allowing relief aid to come in after 1979, then,  
4 it is simple; the Khmer Rouge cannot be blamed or are less to  
5 blame for those deaths. It's an exculpatory circumstance. We need  
6 to be able to pursue it.

7 [15.15.17]

8 Also the statement that--

9 MR. PRESIDENT:

10 The Chamber has offered you the floor to put questions --  
11 substantive question concerning the events which reflects the  
12 memory and the accounts of the witness before us and that are  
13 relevant to the jurisdiction of this Court.

14 [15.15.49]

15 You are now wasting your time putting other irrelevant questions.

16 BY MR. PAUW:

17 Mr. President, they're not irrelevant. I'll move on.

18 Q. You have written in your book, Mr. Witness, and I will provide  
19 the English ERN, 00369793; and Khmer ERN 00678907, and second  
20 reference will be 00369801 and Khmer ERN is 00678917. On those  
21 pages you state that after the Vietnamese invaded Cambodia, whole  
22 Battambang town was closed and that common people had no right to  
23 live in the town. Do you know -- so I'm asking for your personal  
24 knowledge, do you know if the Vietnamese provided any reasoning  
25 for the fact that Battambang town was closed and that common

1 people had no right to live in the town?

2 MR. PRESIDENT:

3 Witness is now instructed not to respond to the question. Again,  
4 this question is not relevant.

5 We could see that counsel has run out of substantive questions to  
6 pose to this witness. If so, he should cede the floor to your  
7 counsels -- to other counsels.

8 MR. PAUW:

9 Mr. President, may I make a request and to simply, humbly ask you  
10 to provide -- to let me provide at least a reason as to why that  
11 question is relevant. If it's not immediately clear to you, can I  
12 at least explain? In this case--

13 [15.18.15]

14 MR. PRESIDENT:

15 There's no need to explain because we already ruled upon this and  
16 it is not relevant at all.

17 MR. PAUW:

18 I think the reasons given for keeping the town empty is very  
19 relevant in this case, especially in Case 002/001. We need to  
20 explore that further, but it's something for appeal.

21 [15.18.49]

22 MR. PRESIDENT:

23 Counsel, you are now instructed to proceed to other questions if  
24 you still have some. If not, then we would like to hand over to  
25 other counsels.

1 BY MR. PAUW:

2 Thank you.

3 Q. In the Tabeau report that we discussed earlier -- and the  
4 reference I've already provided -- there is a list of 12 studies  
5 on which Ewa Tabeau relied. Three of these studies date from the  
6 period 1983-1984 and seven of them date from 1995 and later. It's  
7 for that reason that I want Mr. Witness to read the next passage  
8 to you.

9 It is on English ERN 00369813 and Khmer ERN is 00678932, and I've  
10 already read out the part where you say that the K-5 plan took  
11 place in 1982. It ended in 1989 and that's the part I want to  
12 read. The K-5 plan ended only a year before Vietnam was forced to  
13 withdraw its troops from Cambodia in 1989.

14 A bit further down, you write: "Only farmers and rural people  
15 could not escape the K-5 plan."

16 And you--

17 MR. PRESIDENT:

18 Yet this question is not relevant. Counsel, try your best to find  
19 any questions that are relevant to this portion or segment of the  
20 trial.

21 [15.20.53]

22 MR. PAUW:

23 I'm trying, Mr. President. I'm trying. I promise you.

24 I'd like to point out to the Trial Chamber that these studies--

25 MR. PRESIDENT:

1 For time efficiency and the expeditious trial proceedings, we  
2 rule that question irrelevant.

3 [15.21.21]

4 MR. PAUW:

5 Thank you, but -- I will move on, but let me at least explain  
6 that these reports date from after '89, so they would or may have  
7 counted the K-5 deaths. That's what I--

8 MR. PRESIDENT:

9 Any event after the second phase of the evacuation is nowhere  
10 closer to the scope of the facts at issue, so you should confine  
11 your questions to the period between 1975 to 1976 at the latest  
12 or 1977, rather.

13 MR. PAUW:

14 Mr. President, it's a question directly related to an expert  
15 report that is relied on by the OCP. This witness has something  
16 relevant to say about the expert report. It's a question about  
17 the evidence. We are testing the evidence. This witness is and  
18 can be instrumental in testing the evidence that the OCP wants to  
19 rely on in inculpatory fashion. So I want this witness to confirm  
20 that the K-5 plan took place until 1989, simple, and then we can  
21 move on.

22 MR. PRESIDENT:

23 Your time is already over. You have already been given the floor  
24 to put questions to this witness. The witness is not here to be  
25 tested. Questions shall be those that are about the witness

1 experience and his accounts and that are relevant to the facts in  
2 this segment of the trial.

3 [15.23.29]

4 MR. PAUW:

5 That's exactly my question. I want this witness to confirm what  
6 he has written about the K-5 plan and that it ended in 1989. I'm  
7 asking--

8 MR. PRESIDENT:

9 Please be seated. No more time is allowed to you to put any  
10 further questions on this. We believe that you have no more  
11 substantive questions at this time. Your time has run out.

12 [15.24.24]

13 MR. PAUW:

14 (Microphone not activated)

15 MR. PRESIDENT:

16 Again, there is no more time for you.

17 We would like now to hand over to counsels for Mr. Khieu Samphan  
18 to put some questions to the witness.

19 QUESTIONING BY MS. GUISSÉ:

20 Thank you, Mr. President. Good afternoon to everybody in the  
21 Chamber. Good afternoon to you, as well, Mr. Hun Chhunly. My name  
22 is Anta Guissé. I am international counsel for Mr. Khieu Samphan,  
23 and on behalf of his team, I shall ask you a few brief questions.  
24 My national counterpart will take up where I leave off.

25 Q. You were talking with the national Co-Prosecutor and,

1 subsequently, with the international one, about the moment when  
2 you met Khieu Samphan. I didn't really understand from your  
3 answer -- and this is my question -- if you knew him personally  
4 or you had merely heard about him before 1975. Can you enlighten  
5 us on that please?

6 [15.26.16]

7 MR. HUN CHHUNLY:

8 A. I may wish to add on top of what I already stated that I have  
9 known Mr. Khieu Samphan in his capacity as the intellectual and  
10 as the chief of the "L'Observateur" newspaper and in his capacity  
11 as a well-known, clean official.

12 Q. Thank you, Mr. Hun Chhunly. My question, more precisely, is  
13 whether you knew him by name or personally.

14 A. I have heard of him. I have known of him, but I have never had  
15 been in contact with him in person.

16 Q. Thank you for that detail.

17 [15.27.24]

18 So you talked about this paper, the "L'Observateur" which Khieu  
19 Samphan was running and I'd like to know if you had a chance to  
20 read some issues of that paper in Battambang?

21 A. When he was writing the "Observateur", I was in Phnom Penh,  
22 not in Battambang province and I often read his newspaper. It was  
23 not very regular, but frequently.

24 Q. What sort of subjects were written about in the "Observateur"?

25 A. I don't quite remember the details of the subject, but he

1 wrote about politics and also the livelihood of the poor people,  
2 ordinary people, including the barbers and, indeed, some parts of  
3 the article were more political, but some were very simple.

4 Q. On this point, one last question, you received these  
5 newspapers because they were for sale in the street or because  
6 they were disseminated in a secret way?

7 A. "L'Observateur" newspaper was sold in public and with the  
8 permission by the state to sell at that time.

9 Q. Thank you.

10 [15.29.43]

11 I'd like to switch subject now. You told my colleague in the Nuon  
12 Chea team about the upper echelon's Angkar, and yesterday, you  
13 told us that you weren't exactly sure what that really covered.  
14 And my first question is about the hospitals that you worked in  
15 during the Democratic Kampuchea era. Who did you take  
16 instructions from?

17 A. I took the instructions at P1 and P2 hospitals from the Deputy  
18 Chief or Secretary of Sector 3, so the instructions were all  
19 rendered from the Secretary -- the Deputy Secretary of Sector 3  
20 and the orders were rendered down to the lower level through the  
21 two heads of the -- of each respective hospital.

22 Q. Can you please give us the name of the Deputy Secretary of  
23 Sector 3?

24 [15.31.41]

25 A. The Deputy Secretary of Sector 3 who supervised hospital P1

1 and P2 was Comrade Hoeun. He was the brother-in-law of the Zone  
2 Committee by the name of Moul Sambath, alias Ta Kev (phonetic) or  
3 Ros Nhim.

4 Q. Talking about the Zone Secretary, during the period of  
5 Democratic Kampuchea, do you have any direct relations with him  
6 at any point in time?

7 A. No, he was not the Secretary of the Zone. He was the Chairman  
8 of the Zone Committee. They have the Chairman, Vice Chairman of  
9 the Zone and Sector. There was no mentioning of the position of  
10 Secretary of the Zone.

11 I would like to ask you, if you do not mind, for the question  
12 again because I did not really catch your last part of the  
13 question.

14 Q. My question was whether you had any direct relations with the  
15 Chairman of the Zone Committee we have just referred to, that was  
16 during the period of the Democratic Kampuchea.

17 [15.33.38]

18 A. No, I never met the Chairman of the Zone in person. I only met  
19 with the Deputy Chairman of Sectors 3 and 4 by the name of Suon  
20 (phonetic), who was the Khmer Rouge cadre.

21 Q. Thank you. In your testimony, you also stated that at one  
22 point, you received mail from Mit Sou bearing the stamp of the  
23 Committee of Region 4. Is it correct to say that that was the  
24 only mail you received from the region during the period of  
25 Democratic Kampuchea regarding your official duties?

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1 A. As a matter of fact, I did receive a letter with a stamp and  
2 undersigned by Khek Penn or Comrade Sou who was the Chairman of  
3 Sector 4. He designated me to work in Preaek Luong Hospital.

4 And then I also received a letter from the Chairman of Sector 3  
5 designating me to work in a military hospital by the name of P2  
6 hospital.

7 Q. So if I understood you correctly, you received, all in all,  
8 two correspondences; one from Sector 3 and another from Sector 4;  
9 is that correct?

10 [15.35.45]

11 MR. PRESIDENT:

12 Witness, please respond to the question.

13 MR. HUN CHHUNLY:

14 Yes, that is correct.

15 BY MS. GUISSÉ:

16 Q. And to be absolutely right on that, for the rest of the time,  
17 you took your orders from the hospital directors -- that is, the  
18 directors of hospitals where you worked, is that correct?

19 MR. HUN CHHUNLY:

20 A. This order letter was a designation letter. It indicates that  
21 I had to work with the hospital and under supervision of the  
22 hospital committee and this committee comprised of one chairman  
23 of the committee and two deputy chairmen.

24 [15.36.55]

25 Q. Thank you for this clarification regarding mails, but my

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1 question was whether you can confirm to the Chamber whether,  
2 besides the two letters of appointment that you received, for the  
3 rest of the time you took your orders from the directors; the two  
4 directors of the hospitals where you worked.

5 A. I normally receive order, as far as the technical aspect was  
6 concerned, from director and the deputy director respectively.

7 Q. Thank you for this clarification.

8 I would like to proceed to another line of questioning. It has to  
9 do with the meeting of May 1975 you refer to in answer to a  
10 question of the international Co-Prosecutor. Forgive my accent.

11 You said -- you talked of Kdang Jea Pagoda. Let me spell it,  
12 K-d-a-n-g G or J-e-a. You referred to the speech delivered by Mit  
13 Sou.

14 [15.38.42]

15 I would like to talk about two points mentioned in your book,  
16 document D313/1.8. And with the permission of the presiding  
17 Judge, may I request that the Khmer ERN page and the Khmer ERN is  
18 0067878 and in English the reference is 00369696.

19 Can that passage be placed on the screen?

20 And Witness, do you have the document at your disposal and can  
21 you turn to the page?

22 [15.39.36]

23 MR. PRESIDENT:

24 You may proceed.

25 Court officer is instructed to assist the witness to locate the

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1 relevant pages requested by the defence counsel.

2 MS. GUISSÉ:

3 It appears that there is a technical problem in my team, Mr.  
4 President, but we are trying to sort things out. Forgive me for  
5 this delay.

6 BY MS. GUISSÉ:

7 Q. Mr. Witness, do you have the passage before you? Have you been  
8 able to identify the page in question? I can see you nodding.  
9 I would like to start by quoting the passage in English because I  
10 do not have a French version.

11 And may I ask the interpreters, craving their indulgence for my  
12 accent, and let me remind them of the ERN in English: it is  
13 00369696 (sic).

14 "The speaker was Khek Penn, alias Mit Sou, Chief of Region 4,  
15 whom we had seen during the first days of Battambang town. Like  
16 any other Khmer Rouge cadre, Mit Sou didn't present his name and  
17 his position to the public. Félicitations!" End of quote.

18 [15.41.33]

19 This is my first question to you, Witness: How did you get to  
20 know the position Mit Sou occupied and when exactly did you get  
21 to know about it?

22 MR. HUN CHHUNLY:

23 A. I do not know whether Comrade Sou was appointed the Chairman  
24 of Sector 4, but when the Khmer Rouge arrived on the 2nd, Comrade  
25 Sou was the only person who came out to talk to the people. But I

1 do not know who had appointed him and when he was appointed, but  
2 I heard from others that he was assuming the position as the  
3 Chairman of Sector 4.

4 [15.42.39]

5 At that time, sector was a new notion to people because it was  
6 the new invention of the name of the location because, in the  
7 past, we only referred to specific administrative location as  
8 either village, commune, district, or province, but sector was a  
9 new code name to indicate a geographical location.

10 Q. I take it from your answer, Witness, that it is other persons  
11 who told you about Mit Sou's position. Can you tell the Chamber  
12 who those persons are; I mean the persons who gave you that  
13 information?

14 A. We actually heard it from one another, from everyone were  
15 talking about him, that he was the Chairman of Sector 4.

16 [15.44.12]

17 Q. I have indeed understand that, Witness. What I want you to  
18 tell me is the name of the person or at least the names of the  
19 persons -- not all of them -- the few persons who told you about  
20 that post.

21 A. I do not recall. I did not know.

22 Q. In the extract I read out to you, you stated that like all  
23 other Khmer Rouge, Mit Sou did not present himself by his name,  
24 by his position. Did you find out on the basis of your  
25 experience, which you refer to, why Khmer Rouge cadres did not

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1 give their names in public? If you do know, tell us, and if you  
2 do not know, also tell us.

3 A. Usually, I noted that during the meeting, the Khmer Rouge  
4 cadres never introduced themselves by their names or their status  
5 and I think that was the practice or culture of this  
6 organization.

7 [15.45.55]

8 Q. So that was your conclusion, but you did not receive any  
9 information to that effect, but it's only an assumption on your  
10 part; is that correct?

11 A. That was my observation of the practice at that time. Khmer  
12 Rouge cadre did not introduce their names, neither did they  
13 introduce their position, and I believe that it was the culture  
14 of their own -- their groups.

15 Q. I would like us to talk about another issue now, still with  
16 regard to the meeting of May 1975. I would like to quote, again,  
17 an extract of your book -- and it is the same page -- wherein you  
18 give details of Mit Sou's speech and the different slogans that  
19 were used on that day. And this is what you state -- and may I  
20 inform the interpreters that I will, again, quote in English, so  
21 according to the list of slogans used on that day, this is what  
22 you stated -- and I quote: "It was noticed that Mit Sou did not  
23 mention a word about Norodom Sihanouk, Khieu Samphan, Hou Youn or  
24 Hu Nim."

25 My question to you is therefore as follows: When you state that

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1 we noted that Sihanouk, Khieu Samphan, Hou Youn and Hu Nim were  
2 mentioned, who were you referring to when you stated that it was  
3 noted or we noted, and what did those persons say on that day if  
4 you recall?

5 [15.48.22]

6 A. My apology. Can you please repeat your question?

7 Q. No problem. I have just quoted a passage from your book in  
8 which you stated that we observed that Norodom Sihanouk, Khieu  
9 Samphan, Hou Youn and Hu Nim were not mentioned and my question  
10 to you is -- when you say it was observed or noted, my question  
11 is: Who are you referring to? Who observed or who noted that was  
12 the case?

13 A. I am trying to locate the portion of the document you are  
14 referring to. I do not see the words that you were citing.

15 Q. It is normal; first of all, because I was quoting you in  
16 English.

17 A. (Microphone not activated)

18 MR. PRESIDENT:

19 Witness, please make sure that you speak only when the mic is on.

20 [15.49.56]

21 MR. HUN CHHUNLY:

22 A. You see, what she was noting, in this particular portion,  
23 we're talking about or we are referring to those who were among  
24 the audience who were listening to Comrade Sou and I refer to  
25 them as "we" because I was among them.

1 BY MS. GUISSÉ:

2 Q. To be more specific, you stated that we noted -- the public  
3 noted that nothing was said of Khieu Samphan, Sihanouk, Hou Youn,  
4 and Hu Nim and my question to you is: How was this surprise  
5 expressed, the surprise regarding the fact that those names were  
6 not mentioned? And what was  
7 said exactly to the public on that occasion?

8 MR. HUN CHHUNLY:

9 A. The audience did not hear the description by Comrade Sou of  
10 the leaders as you named them just now. Actually, at that time,  
11 we dare not ask any question. We did not even dare to discuss who  
12 they were and what they did.

13 [15.51.33]

14 Q. So if I understand correctly, in this paragraph, when you say  
15 "we noted", you mean that you are the only person who made that  
16 observation and you did -- there were no other members of the  
17 audience who made that observation?

18 A. I used the plural form of "we" and we here referred to the  
19 audience and what we paid attention -- what we noted was that Sou  
20 did not make mention anything of the - of Samdech and we were  
21 there together.

22 Q. I have understood you very clearly. Perhaps my question is not  
23 very clear. Let me rephrase it.

24 You observed and other persons observed what happened as well.

25 Did you hold any discussions with the other persons with regard

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1 to that observation? Did other persons also make the same  
2 observation which you made?

3 [15.52.53]

4 A. I am of the opinion that they share my note, but what was  
5 obvious is that we dare not ask each other questions. We dare not  
6 question. We were wondering, but we had to keep it with ourself.

7 MS. GUISSÉ:

8 Thank you, Mr. Witness, for having taken time to answer my  
9 questions. I have no further questions for you.

10 I thank you, Mr. President.

11 [15.53.45]

12 MR. PRESIDENT:

13 Thank you.

14 Counsel Kong Sam Onn.

15 QUESTIONING BY MR. KONG SAM ONN:

16 Thank you. I will be very brief.

17 Q. Good afternoon, Witness. I am the national defence counsel for  
18 Mr. Khieu Samphan. I have a few last questions to put to you. My  
19 esteemed colleagues also put some questions to you already and I  
20 would like to now touch upon the area when you discussed the  
21 "L'Observateur" newspaper. So I would like you to enlighten the  
22 Court concerning the essence of the -- or the trend of the  
23 newspaper.

24 [15.54.42]

25 Was this newspaper pro-socialism, pro the government, at that

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1 times, or what was it generally about, this newspaper?

2 MR. HUN CHHUNLY:

3 A. In my personal view, "L'Observateur" was a leftist newspaper.  
4 It was not a radical leftist and this newspaper writes mainly  
5 about social issues.

6 Q. Can you please enlighten the Court as to what was constituted  
7 leftist newspaper at that time?

8 A. Leftist -- in my understanding, if you refer to the rightist,  
9 they refer to the liberal world, but as for leftist, they were in  
10 favour of the communist blocks.

11 Q. What were the factors that led to your conclusion that this  
12 newspaper was leftist?

13 [15.56.10]

14 A. There were certain articles which describes the perspectives  
15 of this newspaper and they defer from the views expressed in  
16 other newspaper. I do not recall the contents of the articles  
17 published in the newspaper though.

18 Q. Can you please be precise on the factors that led to your  
19 judgment that this newspaper, "L'Observateur" was a leftist  
20 newspaper?

21 [15.57.03]

22 A. The factors that led to this judgment was that "L'Observateur"  
23 was not the newspaper that describes -- or that supports social  
24 injustice. Instead, this newspaper runs articles about social  
25 justice.

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1 Q. What are you trying to say? Is it -- are you saying that this  
2 newspaper is in favour of social injustice or social -- or in  
3 favour of social justice? Can you please clarify this?

4 A. "L'Observateur" newspaper does not turn a blind eye on social  
5 injustice. It covers social injustice issues.

6 Q. Do you have any further questions to -- further observation in  
7 relation to the "L'Observateur"?

8 A. (Microphone not activated)

9 Q. Can you please clarify that because just now your mic was not  
10 activated?

11 A. That is all for me in relation to this newspaper. It has been  
12 long time -- for a long time now and I do not recall everything  
13 very well.

14 Q. Thank you.

15 Now, in relation to your acquaintance with Mr. Khieu Samphan,  
16 just now, you told the Court that you saw Mr. Khieu Samphan even  
17 though you did not talk to him personally, you only knew Mr.  
18 Khieu Samphan. I would like to ask you to tell the Court of your  
19 personal impression of him when he was the editor in chief and  
20 director of "L'Observateur" as well as the minister in the  
21 government at that time.

22 [15.59.31]

23 A. At that time, I was a youth. I had a lot of admiration and a  
24 great deal of respect for Mr. Khieu Samphan because I was of the  
25 view that he was acting like an ordinary person. He rode on a

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1 motorbike like other ordinary person and he was a clean person.  
2 He was not a corrupt official. That's what I learned about him  
3 since the day he has disappeared.

4 Q. Thank you, Mr. Witness. Do you know the reason behind his  
5 disappearance, please?

6 A. I don't know.

7 Q. How did you learn about Khieu Samphan's disappearance?

8 A. At that time, not only Mr. Khieu Samphan, alone, had  
9 disappeared. Hou Youn and Hu Nim, the three of them had  
10 disappeared at the same time and his -- or their disappearance  
11 was not known to a lot of people. No one knew when they  
12 disappeared or on which date they were no longer to be seen.

13 Q. Thank you. Until which date that you started to know that  
14 Khieu Samphan reemerged?

15 [16.01.41]

16 A. I learned about this after King Norodom Sihanouk was toppled  
17 and that Khieu Samphan did not or was not taken away, but he was  
18 in hiding in the jungle.

19 Q. Did you know why Mr. Khieu Samphan had to be in hiding in the  
20 jungle?

21 A. I don't know because at that time, I was in Battambang  
22 province.

23 Q. I have another question concerning Phurissara. You met at a  
24 hospital in Battambang in the aftermath of 1975.

25 In your book, under Khmer ERN 006787 -- rather 8824; English ERN

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1 00369729; on page 78, for your reference, and a few lines also  
2 spill over to page 79:

3 "Phurissara told me that he was not opposing the Revolution, but  
4 he opposed the execution of the people. He said that it was  
5 saddened or he was -- it was regretful to him that he could not  
6 win the asylum in Thailand and that as minister of culture, there  
7 was a conference in Bangkok that he missed to attend."

8 [16.04.58]

9 Can you confirm who Phurissara was or if you can please describe  
10 this person's personal background, briefly, to the Chamber.

11 A. Phurissara was the minister on several occasions during the  
12 then Prince Norodom Sihanouk regime. And a month after Khmer New  
13 Year of 1976, at that time, when I was working at the farm to  
14 grow some vegetable, I saw a Peugeot vehicle taking some people.  
15 When the door of the car opened, I saw three people walking into  
16 the hospital.

17 [16.06.04]

18 Later on, the driver was seen coming out of the place and he was  
19 the Deputy Chairman of Sector 3 who approached me and asked me to  
20 help treat the patients. And after washing my hands and legs, I  
21 went to see the patient. I did not notice that it was Phurissara.  
22 I was taken by surprise and I pay homage to the Prince and I told  
23 him that I was Comrade Moeun -- rather, he -- yes, I told him I  
24 was Comrade Moeun and I was assigned to treat patients at  
25 Battambang. And Phurissara had some kind of medical problem that

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1 he experienced or he had some seizure.

2 Q. You said that Mr. Phurissara was the minister of culture, but  
3 the title was rather symbolic. He didn't earn any kind of  
4 authority. To you, why Mr. Phurissara was a rather symbolic  
5 minister of culture, rather than the actual minister for the  
6 ministry at that time?

7 A. In the Khmer Rouge cabinet of minister list, most of the  
8 ministers were only the ministers by the names, but they had no  
9 functions. Like Thiounn Prasith was the minister of health, but  
10 he did not hold any official function at that time. Phurissara  
11 was the minister of culture -- rather, of a ministry, but  
12 actually at that time even the minister of justice -- there was  
13 also a minister of justice, but during the Khmer Rouge time,  
14 there was no such justice, so there was no need to have the  
15 minister of justice ministry.

16 Q. According to my understanding of what you stated about the  
17 policy of keeping secrecy by the cadres of the Democratic  
18 Kampuchea, I have some questions to you please and I need to seek  
19 some clarification from you.

20 Why Phurissara talk to you about his being disappointed that he  
21 could not take refuge or get the asylum in Thailand?

22 [16.09.55]

23 A. I believe that members of the government of Democratic  
24 Kampuchea did not all love Pol Pot. Phurissara was not different.  
25 He was honest to me. He talked about his feeling to me and that

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1 Phurissara was sent by the Deputy Chairman of the Sector to me to  
2 be treated. At that time, I was called to treat him and there was  
3 no other individuals who could be of my assistance except a cook.

4 [16.10.41]

5 And the food offered to him was a special food. There was fish.  
6 There was nice food with some fork -- rather spoons without  
7 forks.

8 Phurissara came with his wife and his grandson.

9 Q. Thank you. I would like to also seek some clarification from  
10 you whether Phurissara also discussed with you about his being  
11 assigned the position of the minister of justice.

12 A. During the time he was admitted to the hospital for the whole  
13 month, I never saw him crack even a smile. He was very saddened  
14 in his facial expression. Every morning I would see him holding a  
15 radio tuning to BBC and he did not feel afraid of listening to  
16 the radio broadcast every morning.

17 Q. Did Mr. Phurissara talk to you about his position; why he  
18 accepted that title, although there was no power?

19 A. (Microphone not activated)

20 MR. PRESIDENT:

21 Witness, please hold on. The mic was not activated. You may now  
22 proceed.

23 MR. HUN CHHUNLY:

24 A. He did not explain to me why he was assigned as the minister  
25 and he asked me some question. He asked why I chose to work at

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1 this hospital and I told him that I was -- I didn't choose to  
2 come here; I was assigned or asked to come and work here.

3 [16.13.00]

4 MR. PRESIDENT:

5 Counsel, could you please advise the Chamber how much time would  
6 you need to put questions to the witness? If you have a few more  
7 questions, then, perhaps it would be better you keep them to ask  
8 the civil -- the witness next session.

9 MR. KONG SAM ONN:

10 Mr. President, I have just very small -- two -- one or two  
11 questions to put.

12 [16.13.31]

13 MR. PRESIDENT:

14 You may proceed.

15 BY MR. KONG SAM ONN:

16 Thank you, Mr. President.

17 Q. You said that you listened to a radio broadcast, that you  
18 heard Mr. Khieu Samphan was reading the articles or chapters of  
19 the constitution and you also heard then Prince Norodom Sihanouk  
20 make some statements or speech. Can you tell the Chamber, please,  
21 what was the -- whether the constitution, at that time, was a  
22 draft version or the complete one?

23 MR. HUN CHHUNLY:

24 A. Yesterday, I also emphasized that at the beginning, Prince  
25 Norodom Sihanouk talked about his resignation in Khmer, followed

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1 by statement in French. Then I heard about the appointment of Mr.  
2 Khieu Samphan as the President of the State Presidium and he  
3 proceeded to read the more than 20 article constitution. I do not  
4 believe that the constitution was a draft version because if it  
5 was a draft version, it would not be read out on radio.

6 Q. Could you tell the Chamber when exactly did you hear this?

7 MR. PRESIDENT:

8 Witness, please hold on. Wait until you see the right light.

9 MR. HUN CHHUNLY:

10 If I'm not mistaken, it was after Khmer New Year in 1976.

11 [16.15.30]

12 BY MR. KONG SAM ONN:

13 Q. Thank you. Did you also learn from the radio broadcast, how  
14 the constitution was drafted or made? Please repeat your  
15 response.

16 MR. HUN CHHUNLY:

17 A. I already indicated that as yesterday--

18 [16.15.57]

19 Q. Could you please just respond to my question right away  
20 because we're running out of time? I'm sorry for this.

21 A. All medical staff, including, I, myself were convened to  
22 listen to the radio broadcast.

23 Q. My question was that, did you know how the constitution was  
24 drafted? Did you also hear from the radio broadcast concerning  
25 how the law or the constitution was made?

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1 A. No, I didn't.

2 Q. Is it fair to say that you did not know who actually were  
3 behind the writing of the constitution?

4 A. No, I don't know about this because this matter was too big  
5 for an ordinary citizen like me to know.

6 MR. KONG SAM ONN:

7 Thank you, Mr. Witness.

8 Mr. President and Your Honours, I'm very grateful. I have no more  
9 questions.

10 MR. PRESIDENT:

11 Counsels for Mr. Ieng Sary, could you please advise the Chamber  
12 as to how much time you would need to put questions to this  
13 witness.

14 MR. KARNAVAS:

15 Good afternoon, Mr. President. Good afternoon, Your Honours, and  
16 good afternoon to everyone in and around the courtroom.

17 [16.17.26]

18 The gentlemen will have to return. I suspect I have about an  
19 hour, maybe less. Given that I have time to go over his  
20 testimony, I think I should be pretty efficient when the  
21 gentleman returns, much more so than if I were to go right now.

22 Thank you.

23 [16.17.50]

24 MR. PRESIDENT:

25 Thank you, Counsel.

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1 Thank you, Mr. Witness. The hearing of your testimony is now  
2 coming to a brief pause because we still need you to come to the  
3 hearing again on Tuesday where your testimony will, again, be  
4 heard. After that, the Chamber will be hearing TCW-307 as well.  
5 Mr. Hun Chhunly, since your testimony is not yet complete, the  
6 Chamber would like to call you to the Chamber on Tuesday at 9  
7 a.m.

8 Court officer is now instructed to assist the witness to make  
9 sure that he is returned home safe and sound and have him  
10 returned to the courtroom by Tuesday morning 9 a.m. next week.  
11 Security personnel are now instructed to bring all the three  
12 accused persons to the detention facility and have them returned  
13 to the courtroom on Tuesday the 11 of December by 9 a.m.  
14 Mr. Ieng Sary is instructed to be returned to only his holding  
15 cell where the audio-visual means have been prepared for him to  
16 observe the proceedings from there.

17 The Court is adjourned.

18 (Court adjourns at 1619H)

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