



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

22 April 2013
Trial Day 168

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

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KHIEU Samphan

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INDEX

MR. CHHOUK RIN (TCW-110)

Questioning by the President page 2

Questioning by Ms. Song Chorvoin page 11

Questioning by the President resumes page 14

Questioning by Ms. Song Chorvoin resumes page 18

Questioning by Mr. Raynor page 23

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MR. CHHOUK RIN (TCW-110)	Khmer
MS. GUISSÉ	English
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. RAYNOR	English
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MS. SONG CHORVOIN	Khmer

1

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

2 (Court opens at 0912H)

3 MR. PRESIDENT:

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

5 During today's sessions, the Chamber continues hearing the
6 evidence in Case File 002/01. And as scheduled, from today, the
7 Trial Chamber will be hearing the testimonies of TCW 110 and
8 scheduled to also hear TCW 126.

9 Before we commence the proceedings, Mr. Duch Phary is now
10 directed to report to the Chamber on the current status of the
11 parties to the proceedings.

12 [09.14.10]

13 THE GREFFIER:

14 Good morning, Mr. President and Your Honours. All parties to the
15 proceedings are present, except Mr. Nuon Chea, who is present but
16 in his holding cell due to his health concerns.

17 Witness TCW 110, who is scheduled to give testimony today, is
18 present in a waiting room. This witness has taken an oath before
19 the Iron Genie this morning and the witness has already confirmed
20 that the witness is not in a relationship with both co accused
21 Mr. Nuon Chea and Khieu Samphan or a civil party admitted in this
22 case file.

23 The witness is assisted by Duty Counsel Moeurn Sovann.

24 During today's session, there is a reserve witness, TCW 126. This
25 witness also confirms, according to the witness's best

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1 recollection and experiences, the witness is not in a
2 relationship with the co accused persons Mr. Khieu Samphan and
3 Nuon Chea or a civil party who has been admitted in the case
4 file. The witness also took the oath.

5 [09.16.16]

6 MR. PRESIDENT:

7 Thank you.

8 During today's session, the Chamber is seized of a medical report
9 by a treating physician of Mr. Nuon Chea who has conducted the
10 medical examination on Mr. Nuon Chea, and the physician confirms
11 that Mr. Nuon Chea's health is stable, although the doctors
12 recommended that the Chamber allow him to observe the proceedings
13 from the holding cell due to his lower back pain. And the Chamber
14 has already ruled on the same matter.

15 On the 8th of April 19 - rather, 2013, the Chamber allowed him to
16 observe the proceedings from his holding cell through
17 audio-visual link. The Chamber will uphold the same ruling on
18 this matter as long as his health status remains stable. If this
19 health concerns change, then the Chamber will decide accordingly.
20 Court officer is now directed to call witness TCW 110 and the
21 duty counsel.

22 (Mr. Chhouk Rin enters courtroom)

23 [09.19.22]

24 QUESTIONING BY MR. PRESIDENT:

25 Very good morning, Mr. Witness.

1 Q. What's your name?

2 MR. CHHOUK RIN:

3 A. I am Chhouk Rin.

4 Q. Thank you, Mr. Chhouk Rin. Do you also have other name, for
5 example, an alias?

6 A. I can also be called Sokh. Other than that, I have no other
7 names.

8 Q. Mr. Chhouk Rin, how old are you?

9 A. I am 60 years old.

10 [09.20.23]

11 Q. Thank you. Where do you live?

12 A. I live in Chamka Bei village, Pong Tuek commune, Damnak
13 Chang'aeur district, Kep province.

14 Q. What is your father's name?

15 A. Chhouk Cheang.

16 Q. What is your mother's name? And how many children do you have?

17 A. I have five children. My mother was Nhet Luy. She passed away.

18 Q. Mr. Chhouk Rin, according to the report by the Court Greffier,
19 you are not in a relationship with a civil party who has been
20 admitted in this case and you are not in a relationship with the
21 co accused Mr. Nuon Chea and Khieu Samphan. Is this account
22 correct?

23 A. Yes, it is. I am not in a relationship with any of them, but
24 indeed, I was their subordinate.

25 Q. According to the same report, you already took the oath before

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1 you appeared before this Chamber and that you took the oath in
2 front of the Iron Genie; is it correct?

3 A. Yes, it is. I already took the oath.

4 [09.22.38]

5 Q. Thank you.

6 Mr. Chhouk Rin, as a witness, you can enjoy the following rights
7 and you have the following obligation:

8 As the witness before this Chamber, you may object to making any
9 statement that might tend to incriminate you. In other words, you
10 have the right not to incriminate yourself. And today, you have
11 already made a request to be assisted by a duty counsel regarding
12 your rights, and if you feel your response may incriminate you,
13 you may take the advantage of having your duty counsel sitting
14 next to you to consult this first.

15 And as the witness, you are to respond to all questions posed to
16 you by the Chamber and parties to the proceedings, except the
17 questions that you feel may incriminate you in your responses.

18 And you are, as the witness, to tell the truth, the whole truth,
19 nothing but the truth. You shall respond to the questions based
20 on your experiences, best recollection and knowledge.

21 [09.24.36]

22 Mr. Chhouk Rin, have you ever given any interviews to any of the
23 co investigators or investigators of the Office of the Co
24 Investigating Judges, for example during 2008 or 2009?

25 A. In 2008 and 2009, I had met co investigators of the Khmer

1 Rouge Tribunal for – on three occasions.

2 Q. Do you remember where the interviews were conducted?

3 A. They were conducted at the Prey Sar M 1 prison.

4 Q. Thank you.

5 Before you appeared before the Chamber, Mr. Chhouk Rin, have you
6 read the records of the interviews before the Co Investigating
7 Judges to refresh your memory?

8 A. Regarding this, allow me, Mr. President and Your Honours, to
9 say a few words, and I wish to also inform everyone in and
10 outside this courtroom that I have written a letter that I would
11 be assisting the ECCC. I would assist the Court with my knowledge
12 of what happened between 1975 and 1979, but five years passed and
13 my health condition is not good. I wrote such a letter to the
14 President of the Trial Chamber and the Judges of the Trial
15 Chamber requesting that I would like to withdraw from being a
16 witness as my health does not allow. And I have already submitted
17 all the supporting documents to the Court to support this.

18 [09.27.29]

19 Nonetheless, I have never been informed or respond -- replied
20 regarding the letter I submitted, but on the 12th of April,
21 before the Khmer New Year, a group of officials approached me and
22 they said they were from the WESU unit and they told me that I
23 would be summoned to appear before the Chamber during the 20 and
24 21st of April. And I also discussed this with the president of
25 the prison and I talked to him about the letter I sent to the

6

1 President concerning my health, and now I still am needed at the
2 Court as important witness.

3 I don't object to these terms. However, I would like the Chamber
4 to help me and understand my situation. And you know that my
5 health is not very good and the food ration offered to me in the
6 prison is not sufficient, and also I have problem with my
7 eyesight and I haven't had time to read all the documents during
8 the last three months because I need my health to be better
9 before I can wear glasses - eyeglasses, to read all these
10 documents. But for the time being, I cannot read them very well
11 because my eyesight does not allow me to do that.

12 [09.29.34]

13 And as an educated person, I would really like to consult all the
14 documents before I can fully assist the Chamber, but to my dismay
15 I have never received any response from the Chamber regarding the
16 request I made earlier. And as I indicated, I would really love
17 to say a few things in this courtroom. And I was not happy that
18 Mr. Ieng Sary passed away and I haven't had a moment to say a few
19 things, a few words before he died.

20 And now the remaining head of the Communist Party is Mr. Nuon
21 Chea alone in these proceedings, and before the Co Investigating
22 Judges, I talked to them already, but I also made a request to
23 the Co Investigating Judges to release Mr. Khieu Samphan because
24 he was not a senior Communist leader.

25 Again, I have some problem with my throat and I have a headache

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1 and I can say that my health is not really convenient or good
2 enough for me to do any good service to the Court. So let me
3 reassure the Chamber that I would really love to be able to
4 assist the Chamber, but I would like to make sure that I can tell
5 - can at least use the 70 per cent of my capacity and energy to
6 tell the Chamber everything I know, but I don't think I am in
7 good health to do that now.

8 [09.31.33]

9 And I, as a former Khmer Rouge commander, I would never withdraw
10 from this moment. I am still as brave as I used to be, but at
11 this moment I would like to withdraw. It doesn't mean that I
12 withdraw from giving the testimony, but I would like to make sure
13 my health is better, my head is clear; my mind is clear so that I
14 can give full and good testimony.

15 I already took the oath, and as a person who believes in strong
16 Buddhism, I would not wish to tell the Court any unclear
17 historical events and I would like to make sure that the younger
18 generation can get the best of my testimony.

19 With that, Mr. President and Your Honours, I would like you to
20 consider my letter. And when it comes to my health concerns, I
21 have already submitted all relevant documents concerning this.
22 And I believe that the Chamber may not need to spend a lot of
23 money to help treat my health condition, because I do not wish
24 the Court to give me any money, but I wish to also tell the
25 Chamber that currently at the M 1 prison I was - I am offered

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1 only 2,800 riels of food ration a day. It is not decent enough to
2 make me healthy enough to sit here. So, for that, I would like
3 the Chamber to make sure that I can have enough food to eat, and
4 my health is properly checked, and that I can regain all the
5 energy so that I can fully assist the Chamber in full course.

6 [09.33.38]

7 I asked the president – rather, I asked the president of M 1
8 prison already that he allows – I asked him to allow me to be
9 hospitalized so that I could be properly treated so that my mind
10 can be very clear before I can give such a testimony. So far, I
11 have been allowed to have -- to be treated but we do not have all
12 means for me to be treated as such, so I would like the Chamber,
13 finally, to entertain my request.

14 And again, let me make it clear that I am not under any pressure
15 that I lose this courage to tell everything before the Chamber. I
16 had to say that I am not a person like Nuon Chea who is not
17 responsible for what he has done. I am a person of full
18 responsibility here.

19 [09.34.57]

20 MR. PRESIDENT:

21 Thank you.

22 Mr. Co Prosecutor, you may proceed first.

23 MR. RAYNOR:

24 Mr. President, Your Honours, good morning.

25 I only rose to my feet because Mr. Chhouk Rin has been speaking

1 now for a considerable length of time, and I'm sure that the
2 Court is anxious to proceed with proceedings this morning. So I
3 simply rose because it seems to me that the Chamber needs to
4 respond to what Mr. Chhouk Rin has said. Thank you.

5 (Judges deliberate)

6 [09.37.15]

7 MR. PRESIDENT:

8 The Chamber wishes to inform Mr. Chhouk Rin that the reason the
9 Chamber has not responded to your request because the Chamber has
10 noted that the importance of your testimony supersedes this, and
11 we are convinced that your testimony will be very important in
12 ascertaining the truth before the Chamber. And also the Chamber
13 has not been seized of any relevant or reasonable pieces of
14 evidence to allow the Chamber to cease hearing your testimony.
15 And today we note that you made such a request. However, during
16 the early session you already made it clear in your testimony,
17 you're very articulate in your words, and we are convinced that
18 you can also expedite the proceedings by doing your best to give
19 testimonies during these sessions and also to make sure that Case
20 File 002/1 can be concluded expeditiously, with your help.

21 [09.38.56]

22 And practically, the Chamber will continue hearing your testimony
23 today, and please do your best and fulfil your duty as the
24 witness as the Chamber already informed you of, and if you feel
25 that your health does not allow for you to continue giving such

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1 testimony, you can feel free to make such request in this
2 courtroom during these sessions to me, the President of the Trial
3 Chamber, and we can rule upon your request accordingly.

4 And at the same time, Mr. Chhouk Rin, please respond to all the
5 questions posed to you precisely, concisely, and briefly. And we
6 understand that due to your health concern you should be brief
7 and concise in your testimony. It can save us time and it can
8 also expedite the proceedings.

9 And we thank you very much for referring to your strong belief in
10 your oath, and we also trust that you will be telling all the
11 truth before this. Although you may say something which is
12 perhaps not very relevant to all the truth, we believe that the
13 Iron Genie would not be very harsh on you because we know time
14 has passed and it has been a long time, but please do your best.

15 [09.41.01]

16 During these sessions, the Chamber wishes to inform the
17 Prosecution that you will have the floor before other parties to
18 the proceedings to put questions. Both the Co Prosecutors and the
19 Lead Co Lawyers for the civil parties will have the full day for
20 questioning, and the defence counsels will also be allocated
21 another full day for such examination.

22 MR. SON ARUN:

23 Mr. President, may I be heard, please, before Co Prosecutor
24 proceed?

25 MR. PRESIDENT:

1 You may proceed.

2 [09.41.39]

3 MR. SON ARUN:

4 Good morning, Mr. President and Your Honours, and a very good
5 morning to you, Mr. Chhouk Rin.

6 I believe that you, Mr. Chhouk Rin, as a witness, and you said
7 you are not very well. Although you have taken the oath, I am
8 convinced that the deteriorating health condition may make the
9 witness feel disorientated, and I would like to make sure that he
10 can fully give his testimony by having him checked by a treating
11 physician before he can proceed.

12 MR. PRESIDENT:

13 Counsel, you are belated in raising this point. You cannot really
14 be on your feet to say things that the Chamber has already ruled
15 upon. You should have been quicker than that. The Chamber has
16 already been prepared and we have already ruled.

17 And please be seated.

18 Co-Prosecutors, you may now proceed.

19 [09.43.03]

20 QUESTIONING BY MS. SONG CHORVOIN:

21 Good morning, Mr. President. Good morning, Your Honour, and good
22 morning, Mr. Witness. I am Song Chorvoin – and Mr. Keith Raynor –
23 from the Office of Co-Prosecutors. I and my colleague have a few
24 questions for you and we would like you to respond to those
25 questions.

12

1 Q. I will begin by focusing on the first part of the questions
2 concerning your personal early days when you entered Communist
3 Party. According to the document you gave -- document relevant to
4 your account, document E3/361. Document in English, ERN number -
5 rather, French number 00268861. You said, at the beginning you
6 were ordained as the Buddhist monk, but later on you joined the
7 Party in the place where you ordained as the monk.

8 Can you recollect when you were ordained as the Buddhist monk,
9 how old were you and why did you become a monk?

10 [09.44.58]

11 MR. CHHOUK RIN:

12 A. I already talked or mentioned to the President of the Trial
13 Chamber that I have not reviewed the documents and now the
14 Chamber wishes to force me to speak even if I haven't read all
15 these documents. So I may exercise my rights not to respond to
16 any of the questions put to me now.

17 And before I conclude, I would like Mr. President to help me
18 first because I do not want to harm the whole Court proceedings
19 and the national interests by giving uncertain testimony. So I
20 would like to exercise my right not to speak now and I would like
21 the Chamber to help me first with my health conditions.

22 MR. PRESIDENT:

23 Co-Prosecutor, please be seated.

24 Mr. Witness, can you tell the Chamber how would you like the
25 Chamber to help you?

13

1 [09.46.40]

2 MR. CHHOUK RIN:

3 I would like doctor to check my health to see whether I am fit to
4 respond to all the questions. And as I made it clear, I never
5 wish to get away from this. I would like to be able to tell the
6 Chamber everything I know and I would like not to obstruct any
7 proceedings. But my health is not very good. I have been in ill
8 health for the last few years - a few months rather and Nuon
9 Chea, during the old days, ordered me to do things even if I was
10 not well, but I had to do or perform the task because I was
11 afraid I would be killed if I opposed such orders. But now,
12 before this Chamber, I would not wish to experience the same
13 things. I would not like to give testimony when I am not mentally
14 and physically well. So I would like the Chamber to forgive me
15 for this. If my words or the wording is not proper, please
16 forgive me.

17 (Judges deliberate)

18 [09.53.26]

19 MR. PRESIDENT:

20 National Co-Prosecutor, you may proceed.

21 MS. SONG CHORVOIN:

22 Before the Chamber rules on the request by the witness, the
23 prosecutors would like to have a small request first.

24 As the witness, he has to respond to the question. This is the
25 first question and this question does not incriminate the witness

14

1 and he already said very clearly, he has good memory and he knows
2 the roles - his roles during this proceedings. And he also said
3 he had problem reading documents. With that, the prosecutors
4 would like to suggest that a person be allowed or provided to
5 assist him reading the documents for him before he can continue
6 giving the testimony.

7 MR. SON ARUN:

8 Mr. President, may I be heard, please?

9 [09.54.58]

10 MR. PRESIDENT:

11 You may proceed.

12 MR. SON ARUN:

13 Witness already made it very clear again that his health is not
14 good. Whether he should be read aloud or not, it is not relevant.
15 The most important thing is that he has to be clear in his mind
16 when responding to all questions because if his health does not
17 allow him to say things precisely, it would not do any good to
18 the Chamber.

19 QUESTIONING BY MR. PRESIDENT RESUMES:

20 Co-Prosecutor, please be seated. That should be enough.

21 Q. Mr. Chhouk Rin, before you were summoned to appear before the
22 Chamber, had your health condition been checked?

23 [09.55.43]

24 MR. CHHOUK RIN:

25 A. A treating physician came to me to check my condition. I told

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1 him that I had problem with my throat and I had to - I felt
2 uneasy sitting up for a long time and I already made it clear to
3 him that the neck is rather stiff and I already wrote to the
4 Chamber on this. I did not wish to disturb the proceedings and I
5 would like to make it clear that the Chamber will proceed with
6 the reserved witness and when my health is better, I would be
7 coming back at any time after I have, indeed, reviewed all the
8 relevant documents.

9 Mr. President and Your Honours, I hope I have made it clear
10 already. I also note the presence of the Court observers and the
11 audience and I would like to make sure that my testimonies are
12 clear and precise. And for that, please allow me to be properly
13 treated and when my health is better, I will be back at no time.
14 I just would like to make sure my testimony is precise and clear
15 and acceptable. That's all for me Mr. President and Your Honours.

16 [09.57.47]

17 Q. Thank you, Mr. Chhouk Rin. The Chamber notes the change in
18 your situation and the written record of witnesses interviews,
19 you stated that you were happy and you guaranteed that you would
20 give the full testimony, your accounts you have experienced and
21 you were aware during the time period of 1975 to 1979, and you
22 made it very clear before the Co-Investigators.
23 And later you submitted a letter to withdraw from being a witness
24 and the Chamber already noted that there is no reason you should
25 submit such letter, but we also heard from you that you would

16

1 like to withdraw your witness status because your health does not
2 allow you to do that. But the Chamber already indicated earlier
3 that your testimony is very important because you served in the
4 army since 1970, early 1970 and your role in the army is very
5 important to help the Court reflect what could have happened or
6 what have could become of such structure.

7 Mr. Chhouk Rin, can you tell the Chamber precisely where you
8 live?

9 A. I am now at Prey Sar M-1 Prison.

10 Q. Are you there as a convicted person or are you on provisional
11 detention?

12 [10.00.26]

13 A. I am a convicted person. I have been serving the sentence for
14 more than 10 years already.

15 Q. How long are you supposed to serve this sentence term?

16 A. At the Trial Court, I was sentenced on one occasion and I was
17 pardoned. However, the Court of Appeal has sentenced me to life
18 imprisonment. So, from that time until I had been serving this
19 sentence, I have been in the prison for more than 10 years.

20 MR. PRESIDENT:

21 Thank you, Mr. Chhouk Rin.

22 I would like to know whether fellow Judges of the Bench would
23 like to say a few things concerning this.

24 Judge Silvia Cartwright, you may now proceed.

25 JUDGE CARTWRIGHT:

17

1 Yes, thank you, President.

2 Chhouk Rin, you have been speaking now for almost one hour, and
3 during that time we might have heard some useful information from
4 you. So I am asking you to stop wasting time because you will be
5 able to leave the courtroom much sooner if you simply answer the
6 questions that are put to you.

7 [10.02.13]

8 The question that has been put to you so far, did not require
9 much thinking on your part and so I am asking you to respond to
10 the questions because you must do so unless they tend to
11 incriminate you - that is, to be against your personal interests.
12 Now, the ECCC doctor will keep a watch on your medical condition
13 while you are here at the Court, but the ECCC has no power to
14 provide you with further medical assistance and that is the case
15 for every witness or expert who comes to the Court. So, the
16 Chamber is now instructing you to answer the questions and if you
17 become tired, we will certainly consider taking a break to give
18 you a chance to recover. So I'm now going to ask the prosecutor
19 to continue with the questions and remind you to listen to them
20 carefully and answer very briefly. So, please, no more wasting of
21 time, which is only making you more tired and depriving the Court
22 and all the people who have come to listen to you of your very
23 useful information.

24 It's very clear that not everyone in this courtroom wants you to
25 speak, but the Judges do, and we want to hear from you. So,

1 please, will you answer the questions now? Thank you.

2 [10.04.25]

3 QUESTIONING BY MS. SONG CHORVOIN RESUMES:

4 Q. Right now it is – it's 10 o'clock. So, right now I would like
5 to ask my first question again.

6 So, when you were ordained as a monk, how old were you at the
7 time? And where were you ordained as a monk?

8 MR. CHHOUK RIN:

9 A. I could remember, but I would like not to answer the question.
10 I will give the answer after I have my health checked and my
11 health becomes better.

12 MR. PRESIDENT:

13 Co-Prosecutor, you may proceed.

14 [10.05.24]

15 MR. RAYNOR:

16 Mr. President, Your Honours, I'm sure I know that Her Honour
17 Judge Cartwright has this in mind given her comments, but this
18 Trial Chamber is not here to bargain with Mr. Chhouk Rin. He is
19 under a legal duty to answer questions. As has been said, they do
20 not incriminate him. The last question was the simplest question
21 one can imagine. In my respectful submission, Mr. Chhouk Rin's
22 behaviour already in this Court this morning shows him to be what
23 in common law terms would be described as a hostile witness – in
24 other words, a witness who does not appear to want to perform
25 their duty to answer questions to the Court.

19

1 The Court has urged him to answer the question. His is
2 prevaricating on the most baseless grounds to try and stop giving
3 evidence. In my respectful submission, the only way he can be
4 dealt with now as a witness is by the Prosecution reading to the
5 Court what he said in his previous OCIJ interviews and asking him
6 if he accepts what he told interviewers when matters were much
7 fresher in his mind, in 2008.

8 [10.07.14]

9 I say that because if we continue now with open-ended questioning
10 with a witness who does not want to answer questions, the whole
11 day will be lost. So my application is that the Prosecution now
12 be entitled to state to him what he said in a previous interview
13 and to ask him whether that is right or wrong. And his only
14 answers can be, "that is right" or "that is wrong".

15 MR. PRESIDENT:

16 Co-Lead Lawyer, you may proceed.

17 MR. KOPPE:

18 Thank you, Mr. President-

19 MR. PRESIDENT:

20 The Co-Lead Lawyer, you may proceed first.

21 MS. SIMONNEAU-FORT:

22 Thank you, Mr. President. I would like to endorse the proposal by
23 the Co-Prosecutor.

24 And I would like to add a few words following the conduct of this
25 witness who refers to his age and fatigue and has observed,

1 nevertheless, that there are many people in the gallery.

2 [10.08.29]

3 I would also like him to know that here present are victims and
4 civil parties who are as tired as he is, and this gentleman who
5 is talking about his spirituality and his belief should have some
6 respect for other Cambodians who are waiting to hear what he
7 knows, who want him to say what he knows instead of hearing him
8 say that he is unable to testify. His testimony is important as
9 is the testimony of other witnesses. It is his legal and moral
10 duty vis-à-vis the persons here present.

11 MR. KOPPE:

12 Thank you, Mr. President. Good morning, Your Honours. Good
13 morning, everybody in the courtroom.

14 It is obvious to us and to everybody in this courtroom that this
15 witness is a hard bargainer, and he is, in fact, bargaining. We
16 agree on this with the Prosecution.

17 However, I strongly disagree when it comes to the position taken
18 by the prosecutor that this witness has only two possibilities in
19 answering his intended questions. That is to say, right or wrong
20 after being read the passages from his earlier statements with
21 the OCIJ.

22 [10.09.57]

23 He has also, if questions are asked according to those lines, the
24 right to not incriminate himself and the right to remain silent
25 as a witness. Whatever his reasons are, whether he wants to have

21

1 something to eat or whether he wants to have medical attention,
2 obviously they're not valid reasons but we cannot and can never
3 will, go into the circumstances under which he is actually not
4 answering questions. If he is invoking his right to remain silent
5 because he says if it is incriminating himself, then we have to
6 respect that, no matter what his reasoning behind it.

7 MR. PRESIDENT:

8 Thank you.

9 The Counsel for Mr. Khieu Samphan, you may proceed.

10 MR. KONG SAM ONN:

11 Thank you, Mr. President. I would like to make some comments
12 regarding the request by the Co-Prosecutor.

13 He said that he would ask Mr. Chhouk Rin by reading the written
14 record of Mr. Chhouk Rin and then request him to say yes or no. I
15 believe that such request, such practice is not correct in
16 accordance with our rule. So I would like the Chamber to decide -
17 to rule upon this.

18 [10.11.30]

19 MR. PRESIDENT:

20 The Co-Prosecutor, you may proceed.

21 MR. RAYNOR:

22 Just very briefly, Mr. President, I hope I don't have to address
23 the Court on whether Mr. Chhouk Rin's view of what constitutes an
24 incriminating question is what is important; it's what the
25 Chamber believes the question to entail. And I anticipate that

1 nearly every question asked by the Prosecution will not be a
2 question the answer to which would incriminate Mr. Chhouk Rin.
3 Secondly, it's been proposed or submitted that the proposed
4 course of conduct is contrary to the Internal Rules. I
5 respectfully submit that that's entirely wrong for these reasons,
6 and this has been canvassed on a number of previous occasions,
7 and so I'm repeating submissions - forgive me - that the
8 Prosecution has made on previous occasions.

9 [10.12.36]

10 The OCIJ interviews are on the case file. They are obviously
11 admissible evidence. The proposal is not a new one. It's not
12 even, in effect, a proposal; it's adhering to directions given by
13 the Court on previous occasions, which has been along these
14 lines.

15 The President, as we know, asks the witness if they have given
16 the previous statements and, if given, are they true. When Mr.
17 President asked that question this morning, there was a delaying
18 tactic employed by Mr. Chhouk Rin when he started to talk about
19 not being able to read properly and other answers.

20 We need to see this for what it is. It is a recalcitrant witness.

21 The Court has stated that it's important that his evidence is
22 heard, and this is a perfectly permissible procedure. The
23 procedure starts with a memory refreshing approach to put the
24 statement to the witness to refresh their memory. It's quite
25 plain that that approach would not work with this witness, and

23

1 the only way that the Court can receive this extremely important
2 testimony is to put to the witness what they said and ask him to
3 comment. If he chooses then not to answer the questions, that's a
4 matter for him, but be it on his head.

5 Thank you.

6 (Judges deliberate)

7 [10.18.12]

8 MR. PRESIDENT:

9 Co-Prosecutor, you may proceed to the question.

10 QUESTIONING BY MR. RAYNOR:

11 Q. Mr. Chhouk Rin, I'm going to put to you now extracts of the
12 interviews that you had with the Co-Investigating Judges in this
13 case. There were two interviews that I'll be concentrating on.
14 They are E3/361, an interview which took place on the 9th of
15 April 2008 from 9 a.m. in the morning until 11 a.m.; and next,
16 E3/362, an interview which took place on the 29th of July 2008
17 from 2.30 in the afternoon until 4.15 in the afternoon.

18 In document number E3/361, English ERN 00766449; French,
19 00268881; and Khmer, 00194464; you stated to the Investigating
20 Judges the following: "I was angry when Nuon Chea said he was not
21 responsible for anything that happened during 1975 to 1979. He
22 was a high level cadre."

23 Why were you angry at Nuon Chea?

24 [10.20.35]

25 MR. CHHOUK RIN:

24

1 A. I did not want the President – Mr. President, as I said, I did
2 not withdraw myself as a witness. I did not give up giving the
3 testimony. I do not want the Co-Prosecutor to read the statement
4 like that. I want to give the answer myself. Reading and speaking
5 myself are not the same. I don't know why the Chamber accused me
6 of wasting the time. I have written letter to the Chamber
7 already.

8 In that letter, I request the delay because of my health problem.
9 I know all of you know about that. I just want the delay, but you
10 blame me. You say that I am the one who waste the time and my
11 letter is meaningless. So it seemed you are treating not like a
12 human being, but as an animal. So as I told the Chamber I do not
13 give up and I do not want other people to speak instead of me.
14 When I am good, I am well, I will come. So I would like all the
15 people to see whether this is my mistake or the mistake of the
16 Chamber or the mistake of the head of the prison who might not
17 send a letter to the Chamber. I did not give up. I would come
18 back, and if I have read the document, I would give the answer. I
19 do not waste the time.

20 So, Mr. President and Your Honours, please forgive me. Of course,
21 my word may not sound appropriate; please forgive me. You know
22 about my health problem, already, because I have submitted the
23 medical document, but you do not have mercy on me.

24 [10.23.43]

25 MR. PRESIDENT:

1 You do not respond, and then you insult the Chamber. Is this
2 because you serve the long imprisonment, and then you stay in the
3 prison, and then you dare to do that?

4 I try to do - we try to do our best, as I have told you. We have
5 received your request already, but if you look at your silly
6 request, you have changed your mind. We reviewed your request in
7 the Chamber, to see whether we should summon you or not, and we
8 have informed you about the importance of your presence and your
9 testimony in the Chamber, and, it seems that it does not take
10 longer time with regard to the severance of the case, and we
11 tried to get your clear stand.

12 First of all, you state that you will try to do your best to give
13 more details about what happened during the Khmer Rouge regime,
14 especially what happened from 1975 to 1979. This statement was
15 written, and the second request, you withdraw, you give up being
16 a witness. And the third request, when we set a clear schedule
17 and then you changed your mind. You mentioned your health reason
18 in order to ask the Chamber to delay the testimony - the hearing.

19 [10.26.10]

20 The Chamber gives you a chance to testify because we understand
21 your health problem so we make the compromise. The Co Prosecutor
22 just read the statement that you gave to the investigator.

23 Remember that the evidence can be admitted is valuable when it is
24 debated in front of the Chamber, so the Chamber can consider it,
25 can use it. The evidence is not valuable if it is just stored in

1 the case file, so this is important for us to conduct the hearing
2 to hear the debate.

3 MR. RAYNOR:

4 Mr. President, can I please add this? In a trial in 2010, I spent
5 two and a half days examining a hostile witness. It can be a
6 painful experience for everyone involved. But, Mr. President, I,
7 as a prosecutor, have a legal duty to put these extracts of these
8 interviews to Mr. - to Chhouk Rin - Mr. Chhouk Rin.

9 [10.27.50]

10 If he is going to choose to continue to insult all the Judges in
11 this Court, all the counsel in this Court, everyone who is
12 assembled to hear this evidence, and everyone who may be viewing
13 this over the live feeds, that is his choice. But I have a duty
14 to put these questions, and I am asking, please, the Trial
15 Chamber to allow me to put these questions in their entirety, to
16 this witness.

17 He can give whatever response he chooses to, but if his responses
18 are repetitive of what he's already said, I ask you, Mr.

19 President, to intervene. He can answer how he wishes to, but can
20 I make it plain to him: Mr. Chhouk Rin, I am not going to stop
21 asking you questions because you don't want to answer them.

22 BY MR. RAYNOR:

23 Q. I'm going to move on to another extract of your interview.

24 It's the same page as those I've already referred to. And you
25 said this: "It is not true what Nuon Chea said about him not

1 knowing."

2 What was not true about what Mr. Nuon Chea said, Mr. Chhouk Rin?

3 [10.29.26]

4 MR. CHHOUK RIN:

5 A. You may read. You just continue reading. I just listen.

6 Q. Thank you very much. You spoke in the same interview, E3/361 -

7 ERN English, 00766451; French, 00268884; and Khmer, 00194467. You

8 were talking about the decision to purge the East Zone, and you

9 said this:

10 "The decision to purge, literally to sweep and make clean, the

11 East Zone, was made after the Party and your General Assembly in

12 early 1978. With Pol Pot, Nuon Chea, Ta Mok, and Son Sen holding

13 a special meeting with military commanders, including myself, in

14 Phnom Penh. Pol Pot spoke about the plan to purge, then Nuon Chea

15 agreed with what Pol Pot had said. Nuon Chea and Pol Pot supplied

16 detailed information on the plans to arrest and remove the cadres

17 from the East Zone."

18 How much detail did Nuon Chea and Pol Pot supply about the plans

19 to arrest and remove the cadres from the East Zone?

20 [10.31.48]

21 A. You just read.

22 Q. In a different interview, E3/362 - English ERN, 00268896

23 (sic); French, 00268904; and Khmer, 00210211 through 12 - you

24 said, and in reference to the East Zone purge again:

25 "There were many meetings at the division level to prepare this

1 scheme. Ren, Ta Mok's son in law, sent a telegram to me asking me
2 to return to Phnom Penh to attend a special meeting with the top
3 leaders, who would discuss the purge of the eastern cadres. There
4 were about 600 to 700 participants including Meas Muth, Sok
5 Chhean, Ieng Phan, Dy and Thy, with the presence of Pol Pot, Ta
6 Mok, Nuon Chea and Son Sen. In the meeting, Nuon Chea said 'we
7 must purge the internal enemy'."

8 Is that correct?

9 [10.34.35]

10 A. You can continue reading.

11 Q. In E3/361 - English ERN, 00766453; French, 00268885; and
12 Khmer, 00194467 - speaking of this same meeting, you said as
13 follows - and I quote:

14 "We also received verbal orders in a special military meeting in
15 Phnom Penh, attended by military commanders. This meeting was
16 held about the same time as the party annual general assembly.
17 There were separate meetings for the military commanders and the
18 civil side. I attended the meeting for military commanders with
19 approximately 40 to 50 division and regimental commanders in
20 attendance. Pol Pot talked to us, then Ta Mok spoke on the point
21 of the necessity of the internal purge of the Party. Nuon Chea
22 spoke of cleansing the Party ranks."

23 Is that what Nuon Chea said?

24 A. You should continue reading.

25 [10.36.54]

1 Q. Again, talking about the same meeting, same - the same meeting
2 - ERN: French, 00268890; Khmer, 00194472 - you said as follows:
3 "Nuon Chea spoke about purging embedded enemies, boring holes
4 inside enemies that were the arms and legs of the Yuon. Nuon Chea
5 ordered the arrests, meaning the purge. In that era, the term
6 'purge' meant to arrest and kill."

7 Is that right?

8 A. Go ahead, read more. I'm not very well to respond.

9 Q. In the same interview, E3/361; French, 0028887; Khmer,
10 00194467; English, 00766453; you said this to the investigators:
11 "Pol Pot frequently spoke about the necessity of purging, meaning
12 making arrests, and Nuon Chea talked about internal enemies."
13 How often did Nuon Chea talk about internal enemies?

14 A. You just continue reading, because everything is in there.

15 [10.40.24]

16 MR. PRESIDENT:

17 Since it is now appropriate moment for the morning adjournment,
18 the Chamber will adjourn.

19 And court officer is now instructed to assist the witness during
20 the adjournment and have him returned to the courtroom by 11
21 o'clock.

22 (Court recesses from 1040H to 1102H)

23 MR. PRESIDENT:

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

25 We would like to now hand over to the Prosecution to continue

1 putting questions to the witness. Counsel for Mr. Khieu Samphan,
2 you may proceed first.

3 MS. GUISSÉ:

4 Thank you, Mr. President. First of all, good morning to the
5 Judges and to all the parties. I do not have very much to say,
6 but I'd like, at this stage in the examination of the
7 International Co-Prosecutor - I would like to note a point that
8 is of concern to me, and it is that the last quotation from the
9 record of the witness's interview from the purges of the East
10 Zone - unless I am wrong, it is not part of Case 002/1.

11 [11.04.19]

12 Although we don't yet have your written decision, it appears that
13 you had pointed out that the scope of the trial is the same as
14 the one that had been defined initially. In this regard, I would
15 like to be sure that we have not gone beyond the scope of that
16 trial by quoting from that witness's testimony. Our remarks have
17 to do with the last questions asked by the Co-Prosecutor.

18 MR. RAYNOR:

19 Mr. President, this subject -- this subject has come up now on
20 numerous occasions. It has been dealt with by the Trial Chamber
21 on a number of previous occasions in this way. Countless
22 witnesses have come before the Trial Chamber and given evidence,
23 in very brief terms, about the East Zone purge.

24 [11.05.31]

25 All Co-Prosecutors have been conscious not to cover it in detail.

31

1 It is relevant because it still goes to the administration
2 structures, the communication structures, the meetings -- how the
3 leadership ran the business of Democratic Kampuchea. It is also
4 relevant because it shows the role of Nuon Chea. These are public
5 pronouncements by Nuon Chea, and they go to the heart of the
6 pre-existing policies of the CPK. And what I mean by that, is Mr.
7 President and Your Honours will all know that it is the
8 Prosecution case that there was a pre-existing policy well before
9 1975 to arrest, purge, and kill enemies. That policy did not stop
10 on the 17th of April 1975. It continued. And that's why this
11 questioning is relevant. And that's why you have told defence
12 counsel, on numerous previous occasions, it is relevant. In my
13 submission, it's still relevant for the same reasons that you
14 have previously given.

15 Can I please proceed?

16 [11.06.59]

17 MR. PRESIDENT:

18 Yes, you may proceed.

19 BY MR. RAYNOR:

20 Q. Mr. Chhouk Rin, do I understand the position correctly that
21 you, from this witness box, want to tell the world what happened
22 about Democratic Kampuchea in your own words? Is that right?

23 MR. CHHOUK RIN:

24 A. I think you have said a lot in your statement, and it's too
25 much for me to be able to respond to you, because I'm not very

1 well, and I may ask the President of the Trial Chamber to allow
2 me to have some rest, because I can take no more.

3 [11.08.10]

4 MR. RAYNOR:

5 Mr. President, I think you need to be extremely cautious about
6 this. We're at a delicate stage in this trial. The questions
7 being asked are highly relevant, and given the witness's previous
8 demeanour and responses to you, that you have described as
9 insulting the Court - I think, Mr. President, you need to be
10 very, very careful about what's going through Mr. Chhouk Rin's
11 mind at this stage as I ask him questions.

12 I hope that the break he's already had, and the break he's going
13 to have over the luncheon adjournment, will provide him with
14 sufficient time to concentrate on the issues in this case. I
15 still ask to proceed, please.

16 [11.08.56]

17 MR. KOPPE:

18 Thank you, Mr. President.

19 It's quite irrelevant, to try to establish, if at all possible,
20 what is going on in the mind of this witness. The question is
21 whether this witness is allowed to answer questions, or allowed
22 to invoke his right to remain silent. That is the issue. What's
23 in the mind of this witness is not to be established - cannot be
24 established. And it's completely irrelevant.

25 MR. PRESIDENT:

1 International Co-Prosecutor, you may continue, please.

2 [11.09.56]

3 BY MR. RAYNOR:

4 Q. Mr. Chhouk Rin, I'd like to use your words for the next
5 question - and I'm talking about your words to this Court this
6 morning, and these were words that you spoke when I wasn't asking
7 you questions. These are words that you used before any question
8 had been asked. Because your evidence on oath to this Court this
9 morning was this - and I quote: "Nuon Chea ordered me to do
10 things. I had to perform, as I would be killed if I opposed such
11 orders."

12 Those were your words. Would you like to explain them, in your
13 own words?

14 MR. CHHOUK RIN:

15 A. I have a headache when I have to listen to you a lot. I have
16 asked my duty counsel to record all the questions you put for me,
17 and when I am relieved from my headache, I would be able to
18 respond to the questions. My memory is not very good to respond
19 to long questions and statements, and I think it is good if you
20 continue reading the statements, and I will wait for the
21 opportunity when I am better to respond to them.

22 [11.12.02]

23 MR. PRESIDENT:

24 Mr. Chhouk Rin, have you been examined or checked by a medical
25 doctor during the adjournment?

1 MR. CHHOUK RIN:

2 Two treating physicians came to examine my health condition.

3 MR. PRESIDENT:

4 Doctors stated that they noted your health concern – that you had
5 a headache and that you cannot sit for a long time. That's what
6 you claim, but the doctors say that you are fit to respond to
7 questions and be in the courtroom. You should fulfil this duty,
8 because it will save us a lot of time if you respond to these
9 direct questions. And we believe that they're not very difficult
10 or time-consuming to respond.

11 [11.13.21]

12 BY MR. RAYNOR:

13 Mr. Chhouk Rin, let me tell you that you're not the first witness
14 who's had a headache from my questions.

15 Q. In your previous OCIJ interview, E3/361 – English 00 – sorry,
16 00766455; French, 002 – sorry, 00268888; and Khmer, 00194471 –
17 you said this:

18 "Before 1975, when I joined the Party, Ta Mok introduced the name
19 of Nuon Chea. I had known that Pol Pot was secretary of the
20 Party, and Nuon Chea was deputy-secretary of the Party since
21 1973. For someone to join the Party, that person had to know the
22 roles of the Party and the Party leadership."

23 Is that correct?

24 [11.15.12]

25 MR. CHHOUK RIN:

1 A. Yes, it is. That's my statement.

2 Q. I want at this stage to hand to you copies of your statements
3 in Khmer so that if you want to remind yourself about what you
4 said, you can look at the page and tell us if what you said was
5 true.

6 Can I have the assistance, please, for these documents?

7 MR. PRESIDENT:

8 You may proceed.

9 And court officer is now instructed to bring the documents for
10 the witness for examination.

11 BY MR. RAYNOR:

12 Q. The documents have numbering on the front - either E3/361 or
13 E3/362.

14 The next question is to do with when you met with Nuon Chea. And
15 at E3/361 - English, 00766450; French, 00268881; and Khmer,
16 00194464 - you said this: "I met Nuon Chea for the first time in
17 late 1977, in the Party's annual National General Assembly."

18 Is that correct?

19 [11.17.09]

20 MR. CHHOUK RIN:

21 A. I think the Co-Prosecutor (sic) has already conducted
22 investigation on this, and I've provided details on this. I have
23 no reading glasses to read these documents.

24 Q. I'm sure, Mr. Chhouk Rin, that if I get anything wrong, your
25 duty counsel will say so.

1 In the same interview, E3/361 - English 007665 - sorry, I repeat:
2 00766451; French, 00268882; and Khmer, 00194465 - when you were
3 speaking of regimental commanders, you said this:

4 "All of them were arrested by Pol Pot during 1976 to 1977, with
5 Pol Pot and Nuon Chea announcing the arrest of Kang Chap and
6 other high-level cadres during the Party annual assembly, in late
7 1977."

8 Can you help us, please, on what other high-level cadre Nuon Chea
9 announced had been arrested?

10 [11.19.20]

11 A. It was in 1976, not 1977.

12 Q. Thank you. I'm asking another brief question about the East
13 Zone purge. And you said this, about a meeting at Ta Mok's house
14 - E3/362; English, 00268896 through 97; French, 00268904; Khmer,
15 00210211:

16 "Before a cadre purge mission in the Eastern Zone, the military
17 commanders and I were called, in mid-1977, to attend a meeting in
18 Ta Mok's home in Takeo. The meeting was urgent, and was held for
19 one day. There were 700 soldiers from Kampot, 1,000 from Takeo,
20 and 700 to 800 from Kandal. And a day after the meeting, we were
21 sent to Phnom Penh."

22 Is that correct?

23 A. We were sent to the East Zone, not to Phnom Penh. We may need
24 this version to be corrected as well.

25 Q. Fine, thank you.

37

1 I want to ask you next some questions about Khieu Samphan.
2 In document E3/361 – English, 00766449; French, 00268891; and
3 Khmer, 00194464 – you said this: "I cannot speak about Khieu
4 Samphan, because I did not know much about him."

5 Is that correct?

6 [11.22.26]

7 MR. PRESIDENT:

8 Mr. Witness, please hold on.

9 And, International Co Counsel for Mr. Nuon Chea, you may now
10 proceed.

11 MR. KOPPE:

12 Thank you, Mr. President.

13 It seems that the witness is changing his position when it comes
14 to answering questions from the Prosecution, which is fine, but
15 then I would prefer the Prosecution not to ask leading questions
16 but to ask open questions as -- in a normal sense. This is a
17 witness that should be able to answer open questions and not the
18 leading questions that are now being asked by the prosecutor. So
19 I object to this particular question.

20 [11.23.11]

21 MR. RAYNOR:

22 Mr. President, I understand perfectly well my -- why my learned
23 friend takes the objection. The reality, of course, is that my
24 learned friend, Mr. Koppe, was not present as counsel for Nuon
25 Chea in the months leading up to the end of last year when this

1 matter was canvassed on a number of occasions.

2 I plainly don't criticize him for not knowing about all the

3 discussions that have taken place, but I'm sure that Mr.

4 President and Your Honours will recall this subject coming up and

5 discussion being had, both with the Chamber and myself, the

6 Chamber and my learned friend, Mr. Tarik Abdulhak, and the

7 Chamber and my learned friend, Mr. Dale Lysak. And when this came

8 up on previous occasions, you will recall that you ruled in the

9 favour of the Prosecution when submissions were made to this

10 effect.

11 [11.24.21]

12 This is a statement that was given on a prior occasion; these are

13 statements that the witness is seemingly now agreeing the content

14 of, and the practice has been with many previous witnesses to

15 take them to the relevant passage and ask them to confirm.

16 What I can say to my learned friend is this, is that if the

17 witness does start answering questions properly then I will be

18 asking supplemental questions, but the fundamental point that the

19 Prosecution have not previously been allowed to do this is not

20 correct. It's been raised on previous occasions and you've

21 already ruled upon it, and I ask in accordance with those

22 previous rulings to be allowed to continue in the same fashion.

23 Thank you.

24 [11.25.25]

25 MR. KOPPE:

1 Just a quick response, Mr. President, if you will allow me.

2 We are in a court of law, Mr. President, and this is not a way of
3 questioning a witness who might incriminate my client. I mean,
4 it's fine if it's paraphrasing to a certain extent what he has
5 been said earlier -- what he has been saying earlier to speed up
6 testimony, but simply to quote literally what he has been saying
7 and then ask for a yes or a no, that's no way of operating in a
8 court of law.

9 (Judges deliberate)

10 [11.26.28]

11 MR. PRESIDENT:

12 Counsels for Mr. Nuon Chea objection concerning the line of
13 questioning is not sustained. Co Prosecutor is now asked to
14 continue putting questions to the witness.

15 BY MR. RAYNOR:

16 Q. In this same previous interview - English page, double -
17 sorry, 00766449; French, 00268881; and Khmer, 00194464 - and if
18 this is wrong say so, and if you want to add to it, say so, and
19 if you want to say something different, please say so. I'm only
20 doing this so that you have the opportunity to say what you want.

21 But what you said to the investigators was this: "I never met
22 Khieu Samphan."

23 Now, is that right or not right? So, the question is: Did you
24 ever meet Khieu Samphan?

25 MR. CHHOUK RIN:

40

1 A. No, I didn't.

2 [11.28.08]

3 Q. E3/361; English, 00766450; French, 0026881; and Khmer,
4 00194464. About Khieu Samphan, you said this: "Khieu Samphan was
5 a member of the Front with Samdech Sihanouk. The CPK used Front
6 members as diplomats for communications with various countries of
7 the world."

8 Is that right?

9 A. You may continue reading.

10 Q. Well, did you know the status of Khieu Samphan's membership
11 within the CPK?

12 A. (No interpretation)

13 THE INTERPRETER:

14 Witness's response is not audible enough to interpret, but he
15 says Co Prosecutor may proceed now because all the questions have
16 been asked to be recorded by the duty counsel and that his head
17 is not good enough to respond to these questions now.

18 [11.30.30]

19 MR. KOPPE:

20 Mr. President, may I make a quick observation?

21 I'm watching the witness and his duty counsel, and his duty
22 counsel reading - writing things on a - on a piece of paper, and
23 the witness reading what his duty counsel is writing. I'm not - I
24 don't think that is the proper way of behaviour in this
25 courtroom.

41

1 So I think you should instruct the witness to answer questions
2 and not to read whatever his duty counsel is saying.

3 MR. PRESIDENT:

4 Mr. Chhouk Rin, you can wear glasses to read. Can you do that?

5 MR. CHHOUK RIN:

6 I have to wear 300 degree glasses, but by now I cannot wear. Only
7 when I wear glasses I can read. Without glasses I cannot read.

8 [11.32.16]

9 MR. PRESIDENT:

10 Court Officer, do you have 300 degree glasses? If you can find
11 those glasses we could solve the problem.

12 Let him try the glasses.

13 MR. KOPPE:

14 Mr. President, maybe I wasn't understood correctly.

15 I don't have a problem if the witness is reading the excerpt the
16 prosecutor is referring to, what I do have a problem with is that
17 the witness is reading what his duty counsel is writing. That is
18 something that should not be allowed in this Court.

19 [11.33.10]

20 MR. PRESIDENT:

21 I will rule upon this.

22 Earlier, he found it hard to read and the question are based on
23 the written record and the parties relevant agreed that the duty
24 counsel can confirm whether the answer in the statement are
25 correct or not so that the witness can respond to the question.

1 So this is aimed to facilitate the hearing, the proceeding.

2 The counsel just asked for confirmation and right now we tried to
3 solve the problem. So the counsel is not allowed to do that
4 again. You have to wait -- Mr. Counsel, you have to wait to see
5 if there is any question incriminating the witness. If there is
6 no such a question you shall stay quiet and allow the witness to
7 respond by himself.

8 So right now the resolution is that, Mr. Witness wear the glasses
9 in order to read the text. If he still cannot read, the Co
10 Prosecutor may put the question in the previous fashion so that
11 our proceeding can move forward.

12 [11.35.00]

13 BY MR. RAYNOR:

14 Q. Mr. Chhouk Rin, just for the next questions, I'm not going to
15 quote what you said to the investigators because I want to give
16 you the chance to say what you want.

17 Now, did you think that Khieu Samphan was a member of the Centre?

18 MR. PRESIDENT:

19 Mr. Witness, please hold on.

20 The National Counsel for Mr. Khieu Samphan, you may proceed.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President.

23 I would like to object to this question because the Co Prosecutor
24 asked the witness to "think" whether Mr. Khieu Samphan was the
25 member of the Centre. So this is the speculation. Thank you.

1 [11.36.08]

2 MR. RAYNOR:

3 Mr. President, I can't get it right. Either the Defence complain
4 because I am quoting parts of the previous interview or they
5 complain because I'm asking open questions. Can I just proceed?

6 And it's a straightforward question to the witness: Did he
7 believe Khieu Samphan was a member of the Centre?

8 Now, I can put part of his previous interview on this if it
9 helps, but I was trying to observe the spirit of Mr. Koppe's
10 objections, but can I just proceed in the regular way, please?
11 Can I add this? I'm perfectly willing to add, based on your own
12 knowledge, or whether was it from what somebody told you, or what
13 you had learned in a lecture of that nature, but the essence of
14 the question is: What did he know or what was he told about the
15 position and role of Khieu Samphan.

16 I'd like to proceed but I know -- I don't know if there's a
17 continuing observation or submission from the Defence.

18 [11.37.22]

19 MS. GUISSÉ:

20 Very briefly, Mr. President, I just wanted to point out that the
21 difficulty could probably be solved by asking the question, did
22 you know, did you not know, rather than using the word to
23 "think". It's as simple as that, but I will leave the prosecutor
24 to do it as he was proposing. Thank you.

25 MR. PRESIDENT:

44

1 The last question was reasonable because the Co Prosecutor has
2 changed the words already.

3 So, Mr. Witness, you can answer the question.

4 MR. CHHOUK RIN:

5 I asked not to answer the question, but they still put the
6 question to me. When I get better, I will answer.

7 [11.38.30]

8 BY MR. RAYNOR:

9 Let me – can I just say, if I ask the question in a different
10 way, whether it helps the witness.

11 Q. Tell us what you knew about Khieu Samphan?

12 MR. CHHOUK RIN:

13 A. I have said already. I do not want to – it does not mean that
14 I don't want to answer. I have stated – I have mentioned that in
15 my document, which has been submitted to the Chamber.

16 As you know, in the Communist Party of Kampuchea, I have
17 mentioned him in that document. I don't want to talk about that.
18 The leader of the Communist Party of Kampuchea said that he was
19 not inside the Communist Party of Kampuchea. I got the
20 instruction from the original leader, and when you ask me I get a
21 severe headache. And I have told the Co Prosecutor that you read
22 and I just sit down and listen and if I am well I want to give
23 more details to the Chamber.

24 [11.40.28]

25 But I just want to mention one point. During the state of

1 Cambodia regime, there was a document saying that he was only the
2 leader without any power, and I request that he should be
3 released. I cannot remember all the detail. When I am well I can
4 give more detail. I back the President and the Chamber.
5 I heard that from Ta Mok, and Khieu Samphan was an intellectual,
6 he was not a member of the Party. During the state of Cambodia
7 regime, they said that he was only -- he was a leader without any
8 power, he had only a name. There was only one party, the
9 Communist Party of Kampuchea, which was responsible for
10 everything. And you know, I want to say, I want to tell, but
11 right now I am not well. I have a severe health problem.

12 [11.41.55]

13 So, according to the document, during the state of Cambodia
14 regime, they said that he was only - he was a leader without any
15 power, he had only a name as a leader. So when I get well I will
16 tell the whole nation. Please allow me the time to get better. I
17 just beg. I do not know how to make more requests-

18 Q. Can I interrupt? Forgive me for interrupting. I'm
19 interrupting, Mr. Chhouk Rin, because you've been speaking for
20 three minutes, very eloquently and very detailed answer to my
21 question. So thank you very much. And tell me if your headache
22 stops you speaking for three minutes, please.

23 Now, did you ever hear of the Standing Committee or the Central
24 Committee of the Communist Party of Kampuchea?

25 A. I heard, but please allow me some rest. Please allow me some

1 rest.

2 Q. Well, Mr. Chhouk Rin, you've just spoken on three minutes on
3 one question, and now won't answer my next simple question. I
4 don't want you to speak for three minutes, necessarily, about
5 this question, because it's a simple question and I'm going to
6 repeat it.

7 During your time from 1975 to 1979, did you know about the
8 Standing Committee or the Central Committee?

9 [11.44.05]

10 A. I did not understand that because I was a low-level soldier.

11 Q. Thank you. Did you ever hear the phrase "the Centre" in
12 reference to the Upper Echelon or the senior leadership?

13 A. I know.

14 Q. I mean, do you know if Khieu Samphan ever spoke at meetings of
15 the central leadership?

16 A. He spoke in accordance with what has been written.

17 MR. PRESIDENT:

18 Mr. Witness, please hold on.

19 The National Counsel for Mr. Khieu Samphan, you may proceed.

20 [11.45.17]

21 MR. KONG SAM ONN:

22 Thank you, Mr. President.

23 I think that Co Prosecutor is leading the witness by saying that

24 Mr. Khieu Samphan spoke during a meeting. However, the Co

25 Prosecutor has not requested the witness to say whether Mr. Khieu

1 Samphan had attended the meeting yet.

2 So I would like to object to the question, and I would like the
3 Co Prosecutor to rephrase the question.

4 MR. PRESIDENT:

5 You may proceed.

6 BY MR. RAYNOR:

7 Can I repeat the question?

8 Q. Do you, Mr. Chhouk Rin, know if Khieu Samphan spoke at
9 meetings of the Centre?

10 [11.46.40]

11 MR. CHHOUK RIN:

12 A. In the Communist Party of Kampuchea, I did not see him making
13 any speech.

14 Q. That wasn't my question. I'll repeat the question for the
15 third time: Mr. Chhouk Rin, do you know if Khieu Samphan spoke at
16 meetings of the Party Centre?

17 A. If the question is beyond what I said earlier I will not give
18 the response.

19 Q. I just want in my next question to check whether you've been
20 following this trial from Prey Sar prison. So my question is
21 this: Do you know that Khieu Samphan has told the Investigating
22 Judges that he was a full-rights member of the Central Committee?

23 [11.48.30]

24 A. I never said that he was a full-rights member of the Central
25 Committee. I did not say that.

1 Q. That - I wasn't suggesting that you had said that. I'll repeat
2 the question.

3 From reading documents or speaking to people, since the
4 investigation began, are you aware that Khieu Samphan has told
5 the Co Investigating Judges that he was a full rights member of
6 the Central Committee?

7 A. I did not know about that. It is beyond my capacity. You ask
8 him. He is over here.

9 Q. Okay. Thank you for that answer.

10 Just about Khieu Samphan and meetings and broadcasts over the
11 radio. Do you remember there being anniversary speeches for the
12 liberation of Phnom Penh? In other words, around about the 17th
13 of April 1976, the 17th of April 1977, and the 17th of April
14 1978, first question, do you remember there being celebrations
15 for the anniversaries of the liberation?

16 A. I do not remember the date. I know there was but I do not
17 remember the date. I have forgotten. I don't know whether he was
18 the one who made a speech or another leader.

19 Q. But do you remember speeches being made?

20 A. I have forgotten.

21 [11.51.37]

22 Q. I want to move on to another topic now, just for a few
23 minutes. It's about military communication.

24 Now, your military history will be covered by questions later
25 today. But speaking about telegrams and the military, you said

1 this at E3/361 – English, 00766457; French, 0268890; and Khmer,
2 00194472: "I never saw signatures, but there were identification
3 numbers. For example, Pol Pot was 99; Ta Mok was 15; Sam Bit was
4 37, but I don't remember the identification numbers in the
5 telegrams."

6 And then you said this: "I personally saw the telegrams. They
7 read the telegrams at the meeting sites."

8 What sort of meeting sites were these when telegrams were read?

9 A. I have stated everything in that document, so you just read –
10 continue reading.

11 [11.53.32]

12 Q. Well, Mr. Chhouk Rin, I'm asking a question about what you
13 said. And you said in the document: "They read the telegrams at
14 meeting sites."

15 So my question is: But who read the telegrams at the meeting
16 sites, and you haven't covered that in your interview?

17 A. I do not remember because I have not reviewed the document. I
18 have not checked it again. So when I say something I will mention
19 the reason. With regard to this point, I have not checked it so I
20 do not remember. So you just continue reading. You continue your
21 question.

22 Q. Right, let's move on to radios. Let's see if you can remember
23 about radios.

24 E3/361; English, 00766453; French, 00268886; and Khmer, 00194469
25 – you said this:

50

1 "I received and issued almost all military orders through a
2 shoulder-carried radio on the battlefield. We could contact Phnom
3 Penh from Svay Rieng province. We used the radio many times a day
4 and I changed my code number frequently."

5 I mean, is that correct what you told the investigators?

6 [11.56.00]

7 A. You just continue reading. That is correct.

8 Q. I want to ask you some questions about the words "smash" and
9 "sweeping up".

10 In your previous interview, E3/362 - English, 00268899; French,
11 00268907; and Khmer, 00210214 - you said this:

12 "'Sweeping up' means a lot of things. Firstly, any person who is
13 bad is not allowed to join the CPK and will be dropped from the
14 CPK membership and watched. Secondly, when there is a suspicion,
15 that person will be arrested. The term 'drop' means not allowed
16 to join the Party. The term 'smash' means arrest and killed. For
17 example, people in the Eastern Zone were purged. The maximal
18 purge is a thorough clean-up of the Party line. The 17th of April
19 People were considered to be with the enemy so they were
20 segregated. The term 'purifying the army' means making the army
21 clean."

22 Now, is that correct that you told this to the investigators and
23 is it right?

24 [11.59.00]

25 A. You can continue reading.

1 Q. Is it right?

2 A. Yes, it is.

3 Q. Why were the 17th of April People considered to be the enemy?

4 A. I think it's beyond my understanding because I do not know
5 anything about the plan of the Communist Party of Kampuchea. As a
6 soldier, my task was to defend the country.

7 Q. Who told you that the 17th of April People were considered to
8 be with the enemy?

9 A. In general, it is a common sense that everyone in Cambodia
10 would know this, even young baby or young person, because this is
11 - was no strange to anyone.

12 Q. When were you first told that the 17th of April People were
13 considered to be with the enemy?

14 A. I don't remember the exact date. When it comes to timing, I am
15 afraid I don't remember.

16 [12.01.06]

17 MR. PRESIDENT:

18 Thank you, Mr. Co Prosecutor and the Witness.

19 It is now appropriate time already for lunch adjournment. The
20 Chamber will adjourn, and the next session will be resumed by
21 1.30 p.m.

22 Court officer is now instructed to assist Mr. Witness during the
23 adjournment and have him returned to the courtroom by 1.30 p.m.

24 Security personnel are now instructed to bring Mr. Khieu Samphan
25 to his holding cell and have him returned to the courtroom when

1 the next session resumes.

2 The Court is adjourned.

3 (Court recesses from 1201H to 1335H)

4 MR. PRESIDENT:

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

6 And we would like to now hand over to the prosecutor to continue
7 putting questions to the witness.

8 MR. RAYNOR:

9 Mr. President, thank you. Can I please raise one issue before I
10 start asking further questions? And it's to ask please, Mr.
11 President and Your Honours, for the one hour that was lost this
12 morning from 9 o'clock until 10 o'clock. Can that please be added
13 on tomorrow morning so that, if needed, the Co-Prosecutors have
14 the rest of today to complete their questioning, and then the
15 Lead Co-Lawyers for the civil parties be given that one hour
16 which was lost today to ask questions tomorrow morning if
17 required?

18 [13.37.34]

19 MR. PRESIDENT:

20 Your request is granted because the ground is plausible, and
21 indeed, one hour was lost.

22 You may now proceed.

23 BY MR. RAYNOR:

24 Thank you, Mr. President. And good afternoon to you, Mr. Chhouk

25 Rin.

1 Q. Just before the break for lunch, I was asking you questions
2 about the 17th of April People being considered to be with the
3 enemy. Your response, as translated into English, was that people
4 knew that the 17th of April People were enemies and that even
5 babies or small children knew that to be the case.

6 [13.38.50]

7 You told the investigators that you joined the army in 1971, that
8 you became a platoon commander in 1973.

9 Can you help me as to who spoke to you about the 17th of April
10 People being enemies? How did that come up?

11 MR. KONG SAM ONN:

12 Mr. President, may I be heard?

13 MR. PRESIDENT:

14 Counsel, you may now proceed.

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. My apology; I would like the
17 Co-Prosecutor to pinpoint to the reference he is now putting
18 question to the witness, please.

19 [13.40.00]

20 BY MR. RAYNOR:

21 I'm sorry if it wasn't clear. I've already put the extract to Mr.
22 Chhouk Rin, where he said in his previous interview that the 17th
23 of April People were considered to be with the enemy.

24 I'll repeat that reference so that my learned friend has it. Mr.
25 Chhouk Rin told that to the investigators on the 29th of July

1 2008 in his interview, E3/362, and the Khmer page number was
2 00210214. So all I'm asking now is for some clarification.

3 Q. So I repeat the question. Mr. Chhouk Rin, you joined the army
4 in 1971, and by 1973 you were a platoon commander. So when was
5 it, then, that people were speaking to you about the 17th of
6 April People being enemies?

7 MR. CHHOUK RIN:

8 A. I never received any instructions that the 17 of April People
9 being considered as enemies, but these people who were with the
10 enemy - rather, with the Lon Nol soldiers were regarded as the
11 17th of April People. Again, I had never received any instruction
12 that these people would be regarded as the enemies. These people
13 who had been with the enemies, later on - they were in the
14 Liberated Zone, but later on they were regarded as the 17th of
15 April People, and I did say clearly before the co-investigators.

16 [13.42.33]

17 Q. Let me ask the question in this way. You lived, didn't you, in
18 the Liberated Zone from 1971 through to 1975? Or are the dates
19 slightly different?

20 A. I don't understand your question. I do not understand your
21 question you asked me. Can you repeat it?

22 Q. I'm going to help you by referring you to your previous
23 interview so that the question becomes absolutely clear. In your
24 interview E3/361 - English, 00766449; Khmer, 00194464; and
25 French, 00268881 - you said: "In 1971, I joined and served the

1 Communist Party of Kampuchea through Sien, the Chairman of
2 Kampong Trach district."

3 Is that correct?

4 [13.44.30]

5 A. Yes, it is.

6 Q. You said in the same interview - English, 00766450; Khmer,
7 00194465; and French, 00268882: "In 1973, I became commander of a
8 platoon subordinate to Battalion 'Kho', in the Kampot Sector."

9 Is that correct?

10 A. Yes, it is.

11 Q. The zones that were occupied by the Khmer Rouge, or the CPK,
12 or the Front became known as the Liberated Zones. Do you
13 understand that phrase, "the Liberated Zones", or did you use
14 different words to describe the areas under Khmer Rouge control
15 in the period 1971 to 1973?

16 A. Yes, it is correct. The term "the Liberated Zone" was used.

17 Q. Was it during the time that you were in a liberated zone that
18 it was common knowledge that people who lived in the cities that
19 were not yet under Khmer Rouge control were occupied by enemies?

20 [13.47.00]

21 A. Yes, it is correct.

22 Q. I want to be absolutely clear on this. So, well before 1975,
23 in other words during the period 1971 to 1973, you, as a military
24 man, knew that people who occupied the cities were enemies; is
25 that right?

1 A. Yes, it is.

2 Q. I'd like to ask some further questions about who else were
3 considered to be the enemies of the CPK, apart from the city
4 dwellers.

5 In your interview E3/362 – English, 00268897; French, 00268905;
6 and Khmer, 00210212 – you have been asked questions about a copy
7 of the "Revolutionary Flag" magazine and you said: "...not only the
8 feudalists and capitalists were purged, but also the farmers who
9 privately owned the rice fields. They were also the enemy of the
10 CPK."

11 Is that correct?

12 [13.49.36]

13 A. The question is rather lengthy. I wish to respond to this
14 based on my recollection. And since I haven't read the documents
15 in advance and as it is much needed by the Chamber, I would be
16 brief in responding to this.

17 First-

18 I think I almost forget what I am asked.

19 Q. Let me try and help you. What, if anything, happened in the
20 CPK period to farmers who privately owned their own rice fields?

21 A. You see, I – when you asked me the question, I was ready to
22 respond, but then I forgot. But now you repeated it, and I know
23 the purpose of this question, so I would like to proceed to
24 respond to it as follows.

25 [13.51.12]

1 During the time when the country was under the control of the
2 Khmer Rouge leaders, I can see that when it comes to the
3 documents and the presentation, as I already stated in the
4 relevant "Revolutionary Flag" number 7, in study sessions we were
5 lectured on the danger we would face and we were not advised to
6 be afraid of just the 17 of April People, but we were instructed
7 to be vigilant and be cautious regarding the people in the ranks
8 of the government because the documents reflected the spies,
9 including the Vietnamese spies and KGB, the Russian agents. And I
10 believe that my superior, who is here in this courtroom, knows
11 who these people refer to. And also we were lectured on the CIA,
12 the American agents.

13 And, again, I already told the Chamber that in my military - or
14 in the army where I served, a lot of senior leaders of the army
15 were arrested.

16 [13.53.00]

17 And I can still not understand who could have been a KGB agent,
18 CIA, or spy. And I, at the same time, don't understand. Even my
19 colleagues in arms were arrested, and some of the senior leaders
20 of the battalions and companies were arrested by their peers. So
21 they created their own problem. For example, they implicated one
22 another, accusing one another as enemy, and then arrests were
23 made. Even the Khmer Rouge soldiers or the soldiers for the
24 Democratic Kampuchea themselves were terrified by this ordeal.
25 And the purges were carried out every now and then, and I could

1 see very clearly that some senior military leaders were arrested.
2 Nonetheless, we were not allowed to know what happened at the
3 base, but the only thing I know very well is that persecution was
4 being inflicted upon Cambodian people. And we learned also about
5 the problem through the document "Revolutionary Flag" number 7.

6 [13.54.58]

7 And I also have heard of Mr. Khieu Samphan through what I heard
8 from Ta Mok. Ta Mok told us that Khieu Samphan was an
9 intellectual who was not deeply engaged in the CPK.

10 And I also told the Court that I am not willing to say the
11 details at this moment because I am now on medication and I have
12 to use some paracetamol medicine to relieve my headache, but-
13 Q. Please forgive me, Mr. Chhouk Rin; I just want to interject
14 there, if I may, because you've given a very long answer in a lot
15 of detail, and I thank you very much for that very helpful
16 answer. I hope you won't mind if I just ask some other questions
17 to clarify certain aspects of what you said.

18 You spoke about military commanders being arrested. And you
19 covered this in your interview with the OCIJ, and you said this -
20 E3/362; English, 00268895; French, 00268903; and Khmer, 00210210
21 - and I quote: "In 1975-1976, Sam Bit ordered the arrests of
22 those in the army..."

23 And then you say: "In 1975, a number of the commanders of the
24 battalion and of the regiment were arrested and charged..."

25 And then you said just these words: "So, the army was purified

1 from the beginning."

2 So, was the army "purified" soon after 1975?

3 [13.58.05]

4 A. Yes, it is true. The army was purified from then on. It
5 happened from Kampot – at Kampot province. And when I came to
6 study sessions in Phnom Penh, I could also see Mr. Pol Pot and
7 Nuon Chea who were present the first time in the session. The
8 other participants also attended the session, but I could not
9 remember them all.

10 And at that time the internal situation of the Democratic
11 Kampuchea was dire because of fractures –or disputes were rampant
12 in the Party when – and this led to the arrests of people in
13 Kampot province. And also soldiers in Kampot and Takeo would then
14 be gather and sent to the East Zone so that they could engage in
15 the battlefields, but they were fighting their own people. That's
16 what I could tell the Court about the military situation at that
17 time.

18 Q. Thank you, Mr. Chhouk Rin.

19 [13.59.37]

20 In the same portion of your previous interview, on the same
21 pages, speaking about the military commanders who were arrested
22 from the beginning, you said this – and I quote:

23 "They were arrested from 'the strings of traitors'. The arrests
24 were made on the order of the zone, which I think was from
25 someone who was above Sam Bit. Some of the arrested were sent to

60

1 Phnom Penh, and some were taken to Kampot's Security Office."

2 Is that right?

3 A. Yes, it is. And I already gave the detail of this to the
4 officers of the Court. And that is true; that's what happened in
5 the East Zone.

6 Q. I want to ask some other questions now about the Kampot
7 Security Office. Can you help us on whether that security office
8 existed before the evacuation of Kampot in April 1975?

9 A. On this issue, I am sorry, I do not know it exactly, but that
10 was the overall situation at that time. But as for the exact
11 location of the security centre or so, I was not told and I was
12 not supposed to know either.

13 [14.01.54]

14 Q. Let me try and help you. In your interview E3/362 - English,
15 00268896; French, 00268903; and Khmer, 00210210 - the
16 investigator was asking you about this Kampot Security Office,
17 and the investigator said: "What was that place? And where was it
18 located?"

19 And does this help you to refresh your memory - your answer was:

20 "It was a part of the security office of Sector 35 in Kampot,
21 where only military prisoners were imprisoned. It was not for
22 civilian prisoners."

23 So-

24 MR. PRESIDENT:

25 Witness, please hold on.

61

1 International counsel for Mr. Nuon Chea, you may proceed.

2 [14.03.15]

3 MR. KOPPE:

4 Thank you, Mr. President. I suppose I would like to have some
5 clarification from the Bench.

6 Clearly, this is a – not a leading question, it is a very leading
7 question, and you have ruled on various occasions that a question
8 like this – also this morning – is allowed.

9 Now, would you wish me, for the record, to keep objecting to
10 these questions on the grounds that we find it leading, or is –
11 has the position of the Bench been that once it is objected to by
12 the – by the Defence, for instance if there's a leading question
13 – that we are supposed to have been objecting also afterwards?

14 Because I will be happy to raise – say I object and then go sit
15 down again to speed up things, but I would not like, in one
16 particular situation when the appeal is there, that the Appeals
17 Chamber will say, "Well, the Defence didn't object to this
18 question, and should have done it while the question was asked,
19 and should have then said, 'The question is leading'."

20 So would you be able to clarify what you would like the Defence
21 to do in this particular situation?

22 (Judges deliberate)

23 [14.06.25]

24 MR. PRESIDENT:

25 The Chamber will rule on the objection raised by the defence

1 team, accusing the prosecutor of asking leading question.

2 And the Chamber is of the opinion that this question is leading
3 in nature, so this last question need not to be answered by the
4 witness.

5 Secondly, on the general question raised by the defence team for
6 Mr. Nuon Chea, who has said that the Chamber has never ruled on
7 the procedures in relation to the question put by the parties,
8 the Chamber, from time to time, listens to the line of
9 questioning and the particular objection to any line of
10 questioning, and based on individual case, the Chamber will rule
11 on the issue on a case-by-case basis, based on the applicable
12 procedures, as well as the practice of civil law system that we
13 have applied in these proceedings. And I believe that all parties
14 are used to this system because we have been proceeding over the
15 past one year or so.

16 [14.08.00]

17 So far the Chamber has never objected to any objection by the
18 parties in relation to the lines of questioning put by each
19 party. So, you may object from time to time to any line of
20 questioning that you believe that is leading in nature. And, on a
21 case-by-case basis, we are going to rule on the particular
22 objection to any question.

23 There might have been certain minor issue, because I believe that
24 all parties concern, as well as the members of public, might be
25 well aware that since this morning, the witness has changed his

1 position; he now incline to respond to the question by the party,
2 so parties are now directed to follow the usual proceedings that
3 we have conducted.

4 So we shall now proceed.

5 BY MR. RAYNOR:

6 Q. Mr. Chhouk Rin, when did you first know that there was a
7 security office in Kampot?

8 [14.09.26]

9 MR. CHHOUK RIN:

10 A. After I have told the Court, I would like to repeat that I do
11 not know the exact location of the security centre. I did not
12 know the - the exact location. I know that people have been
13 arrested to put in the security centre. Numbers of soldiers were
14 arrested and sent to Kampot, but I did not know the whereabouts
15 of that security centre. At that time, I was not told of the
16 place. That's what I can tell the Court. If what I am testifying
17 now is acceptable by the Court, it is up to the Court to decide.
18 But I did not know the exact location of the security centre and
19 I did not attempt to follow the track of the location of security
20 centre. I can be this brief.

21 Q. Mr. Chhouk Rin, I didn't ask you about the location of the
22 security centre.

23 Let me repeat the question: When did you first find out that
24 there was a security centre in Kampot?

25 [14.11.05]

1 A. I only learned the existence of this following the arrest of
2 my superior - my direct superior. At that time, he was arrested
3 and sent to Kampot, and he disappeared. Over there - I did not
4 know where he was sent to after he had been sent to Kampot
5 province. He could have been sent to Phnom Penh, but I did not
6 know.

7 Q. Thank you.

8 I was asking you about enemies earlier and I was referring to
9 your previous interviews, without objection from the Defence and
10 in accordance with the pre-existing rules.

11 At E3/362 - English, 00268897; French, 00268905; and Khmer,
12 00210212 - you were talking about the "Revolutionary Flag" number
13 7 and you were talking about the term "to get rid of". And you
14 said this:

15 "The term 'get rid of' in this sentence means that if we do not
16 follow any assignment, we are not their people. In a refashion
17 meeting, those who did not succeed in fulfilling the assignment
18 would be declared as enemies."

19 Now, can you give me some examples of people that you knew of who
20 did not succeed in "fulfilling the assignment" and been "declared
21 as enemies"?

22 [14.13.31]

23 A. I can bring up some example to enlighten the Court on this
24 issue. After this "Flag" number 7 was issued by the Communist
25 Party of Kampuchea, the issue published in 1976 - I may be wrong

1 with the year - they described the different types of people. For
2 example, people who ploughed the field and broke the - took the
3 plough, these people would be alleged as enemy. If anyone would
4 break even one spoon or one plough or so, this person's position
5 was not certain. The person would not be inclined to follow the
6 Party's line.

7 Q. Thank you. You said in your interview with the investigators,
8 on the same pages as I've already quoted: "...all people have to
9 spy on each other. If there is something wrong, one must get rid
10 of it, which refers to an arrest to be made by an order from the
11 top."

12 Now, with arrests, can you just give us some idea of roughly how
13 many military commanders were arrested soon after 1975, based on
14 your knowledge?

15 [14.15.57]

16 A. I did not grasp the issue, but I can only confirm that there
17 were arrest of military commanders at that time. And my former
18 direct superior was of - a Communist believer and follower, and
19 he was also arrested.

20 The leaders of the Communist Party of Kampuchea summoned us to
21 attend training courses in Phnom Penh, and we, while attending
22 the meeting, did not dare ask each other questions.

23 I hope that what I am testifying now is subject for the
24 consideration of the audience.

25 We came to attend the training course and "Flag" number 7 was the

66

1 material for the training, at that time, and the trainees were
2 supposed to discuss the issue in the study materials, but we
3 dared not discuss with each other's personal affairs. Now, for
4 example, if Mr. A was arrested and if people continued to talk
5 about the arrest of this person, then it could create an
6 atmosphere of mistrust within the team, so we were not supposed
7 to discuss with one another.

8 So, my former direct boss, he may not agree with what I said, but
9 that's what I can tell the truth at that time.

10 [14.18.07]

11 When I left monkhood, I did never imagine that the situation was
12 that tragedous (phonetic). I only followed the appeal by the then
13 Prince Norodom Sihanouk following the coup d'état, and at that
14 time we felt unhappy with the Lon Nol. Then we joined the
15 resistance.

16 Q. Sorry; I'm interrupting you, and please forgive me. I'm just
17 trying to keep things in a logical format.

18 You've mentioned attending training in Phnom Penh. How many times
19 did you come to Phnom Penh to receive training?

20 A. I was just telling you about this earlier on. I came to attend
21 the training only once. At that time, "Flag" number 7 was the
22 material for the training. And when the situation along the
23 border was getting worse, I was sent there. We received the
24 instruction from the upper authority to reinforce the force along
25 the Cambodian-Vietnamese border, particularly in Svay Rieng

1 province.

2 [14.19.55]

3 I simply would like to bring up the chain of stories of that
4 time. At that time, the Khmer Rouge cadres themselves were afraid
5 of making mistakes by themselves, because when we talk about
6 communist working environment; everyone had to be vigilant of it.
7 And before I joined the resistant forces, I did not know who Pol
8 Pot was; I only knew Mr. Nuon Chea. And they inducted us to
9 Communist Party and we were summoned for training. And during
10 that training, they told us about the Prince Norodom Sihanouk,
11 and we did not hear about Mr. Khieu Samphan. That's why I have
12 already told the Court that Mr. Khieu Samphan was not inducted in
13 the Communist Party of Kampuchea. That's why I did not see his
14 presence at that time.

15 [14.21.05]

16 And I feel very, very sorry that some prominent figures in
17 Cambodia - like Prince Norodom Sihanouk himself was being cheated
18 by Mr. Nuon Chea at that time.

19 And then, when they deviated, we, at the lower level, we could
20 not get out of it by ourselves; we got deeper inside into the
21 forces and we were the tool used by the Party. We had to listen
22 to the order by the Party. Whatever the Party directed us, we had
23 to follow; we had no choice. So we, at that time, tried to follow
24 the instruction.

25 And I think that my former boss may not believe in what I am

68

1 saying now. He may not agree with what I said now, but at that
2 time, during the eight years, three months, and 20 days, we
3 killed ourselves - we killed each other among our forces.

4 [14.22.21]

5 Q. Thank you, Mr. Chhouk Rin.

6 I just want to concentrate on this one occasion when you came to
7 Phnom Penh for training and the "Revolutionary Flag" number 7 was
8 the document discussed at the training. So, I mean, who wrote the
9 policies in "Revolutionary Flag" number 7?

10 A. You may well imagine, at that time the leaders of the
11 Communist Party of Kampuchea was (sic) mysterious. We could
12 hardly know who they were and we could hardly understand what
13 they were thinking. And we, at that time, were - you know, very
14 frightened, we were in constant fear, and we rarely met those
15 leaders, either.

16 We, at that time, studied based on the Communist Party of
17 Kampuchea material, and we knew that the leaders of the Communist
18 Party of Kampuchea were - were there.

19 And there were many survivors who survived the fighting, and I
20 believe that the Court might find out more about those survivors
21 who can be very helpful to ascertaining the truth of the history
22 of Cambodia. I am only one of them and I will endeavour to tell
23 the Court whatever I can recall.

24 [14.24.31]

25 Q. Thank you. I'm going to put, in fairness to you, an extract of

69

1 what you told the Investigating Judges, and then I'm going to ask
2 you whether you knew this thing, whether you were speculating
3 about it. And the extract is this: E3/362; English, 00268899;
4 French, 00268907; and Khmer, 00210214.

5 The investigator asked you this question: "Do you know who wrote
6 these policies in 'Revolutionary Flag' number 7?"

7 And your answer was: "The persons who wrote them were those from
8 the Central Committee, such as Pol Pot, Nuon Chea, and Ieng Sary,
9 who copied a little of the idea from the Russian Communist Party
10 and from China. But the main ideas were theirs, because as long
11 as they agreed in the Party, then the principles could be adopted
12 and implemented throughout the country."

13 Now, why did you tell the investigators that it was "the Central
14 Committee, such as Pol Pot, Nuon Chea, and Ieng Sary", who wrote
15 the policies?

16 [14.26.36]

17 A. The reason for my statement was that we followed the
18 instruction from the Party leaders. And who were the Party
19 leaders? They were only those few leaders. This is my assumption
20 of that, that they were the leaders of the Communist Party of
21 Kampuchea.

22 Q. All right, thank you.

23 I'm just going to now ask you briefly to comment on some
24 documents. These were downloaded to the interface within time
25 last week. And they're basically documents about the military,

70

1 Mr. Chhouk Rin, and so I'm going to put the document up on the
2 screen and then ask you some questions based on the document.
3 In order to forestall any potential objections from the Defence -
4 you were intimately involved with the military from 1971 right
5 through to 1979. You've told investigating officers you were a
6 soldier, platoon commander, and ultimately an artillery
7 commander, and it's for those reasons that I ask you to comment
8 on these documents.

9 And the first document I'd like, please, to be put up onto the
10 screen is E3/847.

11 [14.28.56]

12 MR. PRESIDENT:

13 You may proceed.

14 BY MR. RAYNOR:

15 Thank you.

16 The page I'm looking for in Khmer is 00008459. I wonder if that
17 can go up on to the screen, please.

18 Now, Mr. Chhouk Rin, I know your eyesight is not good, so I'm
19 going to try and help you by explaining this document to you.

20 This is E3/847. The English page is 00195322, and the French page
21 is 00623199.

22 And the document, Mr. Chhouk Rin, has, as the title of the
23 document, "A General Staff Study Session", and the date of this
24 study session was the 23rd of November 1976.

25 [14.30.30]

71

1 The document that you have sets out a table of statistics showing
2 who participated in the study session. I'm not going to go
3 through every single entry, but if you look at the page, you will
4 see that in terms of the divisions - and so that's a high-level
5 army formation - there were nine divisions who sent people to
6 this study session. I'm going to give you the numbers of the
7 divisions: Division 450, Division 801, Division 502, Division
8 703, Division 170, Division 290, Division 164, and Division 310,
9 and finally Division 920.

10 Now, you told the investigators that in May 1975 - so that would
11 be the year before this meeting - you became commander of
12 Artillery Battalion 59, subordinate to Kampot province, where Rin
13 was the Kampot sector commander.

14 My question to you is this: Can you help me - looking at 1976,
15 late 1976, do you know the number of your division, the division
16 that you were part of?

17 A. There was only one battalion in the province. I could not
18 remember all. I did not - I did not remember the number. I just
19 talk about my own small unit. There were over 300, and this is
20 beyond my capacity. I am in a small unit in Kampot province. This
21 is about the General Staff. I am a low-ranking soldier. I do not
22 understand this; I cannot respond.

23 [14.33.57]

24 Q. That's a very fair answer, and I'm not going to push the
25 point.

1 Can you just bear with me one moment, please?

2 (Short pause)

3 Mr. Chhouk Rin, I want to concentrate now on the period from
4 1973, when you became a platoon commander, through to April 1975,
5 when Kampot was evacuated.

6 Now, you said in your interview - and I think the page has
7 already been given - that in 1973, you became a platoon commander
8 in Battalion "Kho", in Kampot sector, and you supervised 36
9 soldiers, and at that time there were three battalions. Is that
10 correct?

11 A. Yes, it is.

12 Q. So, in Kampot, three battalions. You spoke of there being
13 Battalion "Ka", with Chey alias Sakhan as the commander;
14 Battalion "Kha", with Chun, who was a relative of Nuon Paet as
15 its commander, and a third battalion with Chorn as its commander.
16 Is it right that they were the commanders of those three
17 battalions?

18 [14.36.44]

19 A. Yes, it is correct. It is right.

20 Q. You also said: "All three commanders were arrested and
21 executed during 1975-1976..."

22 How did you know that they had been arrested?

23 A. They were my superiors. So, after they were arrested, I could
24 not see them. They were my direct superiors.

25 Q. Now, I want to, again, ask some questions about 1973 and 1974.

1 Now, you've mentioned Ta Mok. When did you first hear about or
2 meet Ta Mok?

3 A. I do not remember the date. I only know that Ta Mok was the
4 leader of the Southwest Zone since I joined the army. I heard his
5 name. He went to Kampot. I could not give the details.

6 [14.38.33]

7 Q. Did you ever hear of the name, Thuch Rin?

8 A. Yes, I did hear of his name. Rin was with me in Kampot. My
9 name is not Roeun (phonetic), my name is Rin. And Roeun
10 (phonetic) also disappeared.

11 Q. Did you know of a man called Praseth (phonetic)? I'm going to
12 say the name again. Did you know of a man, Praseth (phonetic)?

13 A. I do not know him. I do not know Praseth (phonetic). I only
14 heard his name, but I never saw him.

15 MR. PRESIDENT:

16 Thank you, Co-Prosecutor.

17 Right now it is time for adjournment. The Court is adjourned
18 until 3 p.m.

19 The detention personnel are instructed to take care of the
20 Accused.

21 And the court officers are instructed to care of the witness.

22 The Court is adjourned.

23 (Court recesses from 1440H to 1501H)

24 MR. PRESIDENT:

25 Please be seated.

1 And without further ado, we would like to hand over to the
2 Co-Prosecutor to continue putting questions to the witness.

3 [15.02.32]

4 BY MR. RAYNOR:

5 Mr. President, thank you very much.

6 Q. Mr. Chhouk Rin, in this period, after you became a platoon
7 commander in 1973, did you know of Chou Chet?

8 MR. CHHOUK RIN:

9 A. Yes, I do, but Chou Chet was in the West Zone. He was the
10 former chief. He was my former superior, for sure.

11 Q. And did you know Sangha Hoeun?

12 A. No, I didn't. I do not know the person by the name Sangha
13 Koeun (phonetic).

14 [15.03.53]

15 Q. It's probably my pronunciation. Sangha Hoeun; does that help
16 or not?

17 A. No, I don't know him.

18 Q. Now, when you were appointed as platoon commander in 1973,
19 where was your platoon - in other words, which village, which
20 district, or which area?

21 A. It is not easy to tell you the exact location of that platoon,
22 because it would take me the whole day to tell you where we would
23 be stationed because during the Khmer Rouge regime, military
24 platoon or other section would never station in one place for a
25 long period of time. We had to be on the move every now and then.

1 So I can say that we, the Khmer Rouge soldiers, did not have
2 permanent base.

3 Q. Now, in 1973, did you know anything about a struggle or a
4 disagreement in the Southwest Zone between, on the one hand, Ta
5 Mok and, on the other hand, Chou Chet?

6 A. Yes, I did know about this. I know that Chou Chet was arrested
7 by Ta Mok at that time, because everyone in the military would be
8 informed about this. Although the reason to this arrest was not
9 known to us, I have heard of it.

10 [15.06.26]

11 Q. So, Chou Chet was arrested. Do you know what happened to him?

12 A. No, I don't. It's beyond my ability to know.

13 Q. After you became a platoon commander in 1973, were you
14 fighting the Lon Nol soldiers?

15 A. I don't remember all the locations where I engaged in combats
16 because I almost engaged in combats in all districts in Kampot.
17 But if you asked me what I did between 1973 - 1970-1973, I can
18 tell you that during this period of time, we were hardly - or
19 heavily bombarded by the Americans, and the airplanes would be
20 seen dropping bombs, attacking us from the sky. Every district in
21 Kampot would be affected by these bombs. You can see the craters
22 of these bombs dropped during that period of time. One of the
23 pagodas in my hometown was completely destroyed by the bombs.
24 Some monks were also killed because of the bombs, and some of
25 them had to join the Khmer Rouge. This is what happened during

1 these early days, although I cannot recollect every detail of the
2 accounts.

3 [15.09.10]

4 And as I already ask for forgiveness, I may at some point talk
5 more than - or I may not fully cover the real account. And when
6 it comes to the battlefields, I can say that it is difficult to
7 say exactly where we would engage in particular battlefield,
8 because every field would be a battlefield, and we would engage
9 in each and every one of the battlefield.

10 Q. Now, when you were engaging in the battlefield in all the
11 districts of Kampot, in combat, after 1973, do I have it right
12 that you were in combat with Lon Nol soldiers at times?

13 A. Yes, you do. We had to engage in such fighting with the
14 soldiers until 1975, when the war was over.

15 Q. What happened, please, to Lon Nol soldiers who were captured
16 by military troops of the Front or the CPK?

17 [15.11.06]

18 A. During 1973, we could not call the soldiers "the soldiers of
19 the CPK"; they were considered as the liberated - the soldiers of
20 the liberation.

21 And regarding the prisoners of war, we were instructed and
22 advised by our superiors to detain these prisoners and have them
23 sent to the rear. I don't remember how many of whom had been
24 arrested, because it happened a very long time ago. These events
25 happened in 1973, and during that time our people were also

77

1 arrested, and those people were arrested by us.

2 Q. So, you know, if there was a military battle and Lon Nol
3 soldiers were captured as part of the battle or soon after the
4 battle, I mean, were there camps, buildings, places in the
5 countryside where the Lon Nol soldiers were detained?

6 A. I'm not aware of this. I did not see if such buildings or
7 camps ever existed or whether people could have been arrested and
8 placed under such places.

9 [15.13.36]

10 Q. I mean, did – did Lon Nol soldiers get arrested and captured –
11 I mean, every week, every month? How often did this happen?

12 A. I don't know how often they could be arrested, but I can say
13 that it is not my knowledge that the soldiers could be arrested
14 on a daily basis.

15 Q. Did you ever speak with fellow soldiers about what happened to
16 the Lon Nol soldiers?

17 A. No. I did not know anything about this. No group of people
18 were arrested – or, in other words, people were not arrested en
19 masse until 1975 – April 1975. So I can say I don't know about
20 this.

21 Q. You know, when you said earlier that Chou Chet was arrested –
22 do you know if any followers of Chou Chet were also arrested in
23 1973?

24 A. I only heard in the meeting that Chou Chet was arrested.
25 That's all I know.

1 Q. When did you first become aware, if at all, of any person who
2 was an enemy of the Front being killed because they were an
3 enemy?

4 [15.16.33]

5 A. During the wartime in 1973, I did not see frequent arrests,
6 but these happened more frequently in 1975. On top of that, my
7 senior leaders in the province were good people. That's why such
8 arrests were not made or there was no disappearance other than
9 casualties resulted (sic) from the bombings.

10 Q. So, the next question – I want you to not think about Lon Nol
11 soldiers. My question's not about Lon Nol soldiers, but it is
12 still about the period 1973–1974 and up to the evacuation of
13 Kampot in 1975. Are you aware, during that period, of any enemies
14 being killed because they were enemies?

15 A. Immediately after the war was over, in Kampot province, all
16 the Lon Nol soldiers had to disarm, and the whole city had to be
17 evacuated. And at that time we did not know who could have been
18 soldiers, innocent people, or else. And, as you know, the
19 soldiers in Kampot, immediately after the war was over, we had to
20 also be demobilized and we had to go back to our respective
21 units, and the base was in charge of evacuating the people. If
22 you would like to know more who would be in charge of the bases,
23 then you may need to ask those people concerned, instead.

24 [15.19.35]

25 Q. Sorry. Forgive me, forgive me–

1 A. After the war, we were asked to implement two important tasks:
2 first, build and-

3 Q. Forgive me, Mr. Rin. Forgive me. I have to keep the questions
4 in a logical sequence. You're going now to events after 1975, and
5 I'm not asking you questions about that period.

6 You said in your interview with the OCIJ, E3/362 - English,
7 00268895; French, 00268902; Khmer, 00210209 - you said this: "The
8 CPK carried out an inflexible policy of killing Khmer-Vietnamese
9 citizens from Hanoi, and in 1973, they" - the CPK - "fought the
10 Viet Cong situated on Khmer soil."

11 Now, why did you tell the investigators that the CPK had "carried
12 out an inflexible policy of killing Khmer-Vietnamese citizens
13 from Hanoi"?

14 A. I think this question could have been misleading. I said the
15 Khmer Rouge soldiers and Viet Cong were divided; that's why both
16 the Khmer Rouge and Viet Cong engaged in fierce fighting. We did
17 not engage in attacking Vietnamese civilians, but in Kampot
18 province, at that time, we engaged in fierce fighting with the
19 Viet Cong soldiers-

20 [15.21.55]

21 Q. Sorry, I need to interrupt again. My question was not about
22 fighting the Viet Cong.

23 My question was - and I repeat it for the second time: Why did
24 you tell the OCIJ investigators that "the CPK carried out an
25 inflexible policy of killing Khmer-Vietnamese citizens from

1 Hanoi"?

2 A. I think I have not talked anything about this between 1973 –
3 the only thing I was – I am clear is that I talked about the
4 fighting between soldiers – Khmer Rouge soldiers and the Viet
5 Cong soldiers. I never said anything about the killing of
6 Vietnamese civilians.

7 And I told the investigators about this because I was asked to
8 tell them in detail about the fighting between both soldiers:
9 Khmer Rouge soldiers and the Viet Cong. And this happened in
10 Kampot province, in the vicinity of Tuk Meas and Tani districts.

11 [15.23.35]

12 Q. Thank you, Mr. Rin. I want your duty counsel to help you now,
13 please, because I'd like you to have a look at the Khmer page
14 with a number at the top: 00210209. And this is the page where
15 you tell the investigators: "The CPK carried out an inflexible
16 policy of killing Khmer-Vietnamese citizens from Hanoi."

17 You mention "citizens", not soldiers. Killing these citizens, and
18 killing these "citizens from Hanoi".

19 So, help us, please. What do you know about the CPK killing
20 citizens from Hanoi during this period, around 1973?

21 MR. PRESIDENT:

22 Mr. Witness, please hold on.

23 National Counsel for Khieu Samphan, you may proceed.

24 [15.24.53]

25 MR. KONG SAM ONN:

1 Thank you, Mr. President.

2 At this point in time, I feel that Mr. Co-Prosecutor is putting
3 repetitive question, and witness already made it clear that it
4 could have been misled when he was talking to the
5 co-investigators.

6 Mr. Witness already indicated that there was no Vietnamese
7 citizens from Hanoi who lived in Kampot – could have been killed
8 or attacked by the Khmer Rouge soldiers.

9 MR. RAYNOR:

10 Mr. President, simple questions, simple answers.

11 Can I please proceed?

12 [15.25.55]

13 MR. PRESIDENT:

14 Yes, you may.

15 BY MR. RAYNOR:

16 Q. Mr. Chhouk Rin, when you spoke to the investigators back in
17 2008, there was an audio recording made of what you said. Now, if
18 any of the defence counsel want to listen to the tapes of what
19 you said and then say that it's been misinterpreted, then they
20 can do that. But this is a record of what you said to the
21 investigators.

22 So I want you to try and pause, and think things through, and
23 help us, please. What did you know about – if anything, what did
24 you know about Vietnamese citizens from Hanoi being killed by the
25 CPK around 1973?

1 [15.27.20]

2 MR. CHHOUK RIN:

3 A. I think I got your question now. Previously, I couldn't
4 understand it. Your question is about the Khmer citizens who
5 studied - who went to Hanoi. And I don't remember when they went
6 there, because perhaps I was not yet born - it could have been
7 during the Khmer Issarak regime. But later on they returned to
8 the country.

9 And during 1973, these people were the target for arrests. I
10 don't know how many people were arrested, but in Kampot province
11 alone, I could say that these people who went to Vietnam during
12 Issarak time, returned home at a later date, were arrested, and
13 they were regarded as the Khmer-Hanoi citizens.

14 And, again, I don't remember how many people were arrested, but
15 the arrests did happen.

16 You also may conduct further investigation into this matter, and
17 there's some documents relevant to this, I believe - thing that
18 happened at Kampot at that time.

19 [15.28.47]

20 And these Khmer citizens who came - returned from Hanoi became
21 members in the Khmer Rouge, and some still live through the State
22 of Cambodia: Meas Krouch and Meas Sambath (sic), who are believed
23 to be two of these people who returned from Hanoi. But the rest,
24 perhaps, have all disappeared, and it is true.

25 And I heard through the rendition that you asked about the

1 Vietnamese people. Indeed, it did not happen to the Vietnamese
2 people, but it happened to the Cambodian people who studied – who
3 went to Hanoi and who returned to Cambodia, and then been
4 arrested.

5 So, I hope I have answered this question, and – but I don't think
6 there could many – there could have been many people from Hanoi
7 who were arrested at that time – not many of them.

8 [15.30.05]

9 Q. Now, were these Khmer-Vietnamese citizens coming back to
10 Cambodia – Kampuchea–

11 I mean, were they arrested because they were friends, were they
12 arrested because they were enemies, or – can you help us, why
13 they would be arrested by the CPK?

14 A. I'm afraid I don't know the reason behind this; it's beyond my
15 knowledge.

16 Q. Thank you. You've said – and I've already put this to you, but
17 you're using the word "arrest". But in this interview, you told
18 the investigators about a "policy of killing". So what, if
19 anything, did you know about "killing" these people?

20 A. As I said earlier – I said that what interested me was what
21 happened in the military. The Chamber may have understood that
22 after the end of the war, all soldiers could not come back to
23 their village or commune; they had to stay at their position,
24 they were not allowed to come back to their area bases. If they
25 came back, they were not given even rice to eat. That was what

1 happened at the time. If they came back to visit their parents,
2 they were not given any rice to eat. So, when you ask me about
3 that, I could not give detailed description.

4 [15.32.23]

5 Q. Thank you.

6 I'm going to ask some questions now about artillery, in other
7 words soldiers who shoot guns - big guns.

8 Now, in your OCIJ interview, you said that it was in May 1975
9 when you became a commander of Artillery Battalion 59. Now, were
10 you involved with artillery in 1973 and 1974 or did you just
11 become involved in artillery in 1975?

12 A. Sorry. During the war - during the fighting, the Khmer Rouge
13 soldiers did not have 105 millimetre big guns. We had that from
14 the Americans only after the war. There were around nine or 10
15 big guns - artillery at Kampot. So, this was after the war. The
16 artillery unit was created after the war. The training - we did
17 not know how to operate those heavy artillery. Our skills were
18 limited, in fact.

19 [15.34.15]

20 Q. Thank you for that answer.

21 I want to see if you can help us with what was actually going on
22 in Kampot in 1973 through 1974. Now, were the Lon Nol soldiers
23 mainly in control of Kampot, was the Front soldiers mainly in
24 control of Kampot, or did the control of Kampot change between
25 Lon Nol and the Front?

1 A. In 1973 and '74, many districts were controlled by the
2 Liberation Army from Kep City, from the - and north of the cement
3 factory.

4 Kampong Trach, Tuk Meas district were controlled by the Khmer
5 Rouge. There was no Lon Nol soldiers over there.

6 Q. Can I put the question this way, then: Do you ever remember
7 Liberation Army soldiers attacking Kampot?

8 A. What do you mean? I do not understand the question.

9 Q. Was there a time when Lon Nol soldiers were in Kampot with the
10 civilian population of Kampot, and the Liberation Army wanted to
11 take over Kampot to fight the Lon Nol soldiers? Do you remember
12 that?

13 [15.36.56]

14 A. I know only about the final fighting on the 16th of April, one
15 day before the fall of Phnom Penh. That was the decisive battle.
16 And there were sporadic fighting, ambush, but I could not
17 remember all those small-scale fighting. At the time, there were
18 a lot of operations in the countryside, and I could not remember
19 the year-

20 Q. Let me - I'll interrupt. I'm trying to help - I'm trying to
21 help you by rephrasing the question or coming at it from a
22 different angle.

23 You said, in answer to one of my earlier questions, that from
24 1973 to 1975 you were in combat in all the districts around
25 Kampot. So, in 1973 and 1974, was the Liberation Army in control

1 of Kampot?

2 A. No, the town was not controlled by us.

3 Q. Who was it controlled by, then, if it wasn't controlled by
4 you?

5 A. Lon Nol soldiers.

6 [15.38.50]

7 Q. And when the Lon Nol soldiers were in charge of Kampot, was
8 the Liberation Army happy about that or did they want the Lon Nol
9 soldiers out of Kampot?

10 A. When you ask about the fighting, it is easy to answer. Of
11 course, in war, we want to defeat our enemy. So, of course, we
12 are not happy. We have to send the forces to defeat our enemy.
13 And when you ask me whether we are happy – and of course, when we
14 receive the order to fight, we have to fight. So, this is the
15 competition between one armed group and the other, so there was
16 no peace when the fighting occurred. At the time, the Khmer Rouge
17 never talked about negotiation to stop the fighting, they just
18 focused on the fighting.

19 Q. Thank you. Now, you said earlier, in some very clear examples
20 or answers, that the Liberation Army considered people who lived
21 in the cities to be enemies. So, you know, when you were fighting
22 the Lon Nol soldiers in Kampot, did your superiors ever give you
23 any orders about what you were to do with the city-dwellers in
24 Kampot if you found them?

25 [15.41.15]

1 A. At the time, my superiors told me to be careful not to target
2 the people's location. We had to be careful. So, this is the
3 order or the advice from our superior. And my superiors have
4 passed away already. They ordered us not to hit civilian target.
5 We do not target civilians; we are careful, in fact.

6 Q. You used the phrase "target civilians" or "hit civilians". I
7 mean, was the Liberation Front using any mortars, shoulder-held,
8 rocket-propelled grenades, or to your knowledge, was there any
9 way that the CPK could have been - "shelling" is the English word
10 - shelling Kampot in 1974?

11 A. At the time, we had only 120 millimetre, 80 millimetre
12 artillery and B40 rockets. We did not have many heavy weapons. It
13 was not like the situation right now. You ask me about what
14 happened a long time ago, so I could not recall completely.

15 Q. Well, you confirmed that the Liberation Army had artillery
16 near Kampot.

17 Now, are you aware or not of the Liberation Army shelling the
18 city of Kampot in March and April 1974 and killing civilians?

19 [15.44.00]

20 A. I would like to say that that is not true, because the Khmer
21 Rouge soldiers at that time did not have many kinds of weapons,
22 and we saved our ammunition; we did not waste the ammunition. It
23 was very different from Lon Nol soldiers. Lon Nol soldiers could
24 fire at - could fire because they had the assistance from the
25 Americans. For us, we did not do like that.

1 So I would like to say, this is not true. We saved our
2 ammunition. We fired only – we were certain that that was the
3 military base. We did not have any assistance from the other. We
4 could only capture the ammunition from the Lon Nol army.

5 So, the shelling or firing of hundreds of shells into the city
6 was not true, because we had only a few numbers of artillery.

7 Q. Thank you. Are you or were you ever aware – or do you want to
8 say anything about – in March and April 1974, about 8,000 people
9 fleeing Kampot as refugees?

10 [15.45.58]

11 A. I could not grasp that; this is beyond my capacity. I do not
12 know about their flight or about the number of people fleeing;
13 this is beyond my ability because I was only a low-ranking
14 soldier. I knew only about the fighting that you just asked.

15 MR. PRESIDENT:

16 Co-Prosecutor, you should proceed – you should move forward
17 because your question seems to be too slow. Your question seems
18 to be out of the scope of the case. The scope was about the
19 forced transfer, phase 1 and phase 2. If it was beyond this, you
20 can ask only about the history of the CPK.

21 So, the witness knows only about the communication and structure
22 of the military, so do not put the question that have little
23 relevance to the scope of the case.

24 [15.47.37]

25 MR. RAYNOR:

1 Thank you, Mr. President.

2 I'd like to make a respectful submission directly and immediately
3 to what you've just said.

4 Every criminal trial has a – every criminal charge has a context,
5 every criminal charge has a background, and every-

6 MR. PRESIDENT:

7 You should continue with the question. You should not ask such a
8 question. This is the ruling.

9 You have requested the time to put questions, but the Chamber
10 does not need to listen to the questions which are quite far from
11 the scope of the case.

12 [15.48.25]

13 BY MR. RAYNOR:

14 Thank you, Mr. President.

15 Q. Mr. Chhouk Rin, I'd like to ask you now about the evacuation
16 of Kampot.

17 And I'm going to put to you an extract of what you said to the
18 OCIJ: E3/362; English, 00268896; French, 00268904; and Khmer,
19 00210210.

20 You were asked this question: "Would you please tell us more
21 about the evacuation of people from Kampot town? From whom did
22 you receive such orders? And when?"

23 And you said this: "The army convened a meeting to talk about how
24 to topple Lon Nol's regime and the plan to evacuate people. The
25 meeting about the evacuation was held about one month prior to

1 the fall of Phnom Penh. The order was given to force all people
2 to leave all the cities and towns. This meeting was held in Phnom
3 Sar, where Kampot's military command headquarters was located.
4 Sek, the Chief of Staff, chaired the meeting. Ta Mok, who was
5 also present at the meeting, said: 'It is not necessary to have
6 markets or cities. All people must be evacuated to the rural
7 areas in order to building the rural economy.' Ta Mok did not say
8 who had made the decision on this matter. But the evacuation of
9 the people from the cities was made for the entire country and
10 was to take only two days."

11 The first question: Is that correct?

12 [15.51.17]

13 MR. CHHOUK RIN:

14 A. (Microphone not activated)

15 MR. PRESIDENT:

16 Witness, please hold on.

17 The International Counsel for Mr. Nuon Chea, you can proceed.

18 MR. KOPPE:

19 Thank you, Mr. President. I object to this question. The
20 prosecutor is leading the witness.

21 MR. RAYNOR:

22 It's a matter for you, Mr. President. This is an extract from a
23 previous OCIJ interview, and it's obviously against the
24 background, now, of Mr. Chhouk Rin having answered questions, I
25 think, all afternoon, which is contrast to his attitude this

1 morning.

2 [15.52.08]

3 MR. PRESIDENT:

4 Thank you.

5 Counsel Victor Koppe, this is not appropriate because we have
6 done many times, already. If we quote the extract from the
7 statement made by the witness, that kind of practice is not
8 regarded as leading question. We have decided on this practice
9 many times, already.

10 BY MR. RAYNOR:

11 Q. So - I mean, how many - how many military people were at this
12 meeting in about March 1975 - just roughly?

13 MR. CHHOUK RIN:

14 A. I do not remember the exact number. I cannot make the
15 estimation. I do not know about the number.

16 [15.53.15]

17 Q. Now, you said that the army convened the meeting to talk about
18 how to topple Lon Nol's regime and the plan to evacuate the
19 people. So, do you know when the plan to evacuate the people had
20 been decided upon?

21 A. After the army got into the city, all the people were told to
22 leave. That was on the 16th of April. Soldiers told all the
23 people to leave the city. The city was quiet. No one was over
24 there.

25 Q. And when you say that Ta Mok was saying it's "not necessary to

1 have markets or cities" and "all people must be evacuated to the
2 rural areas in order to build the rural economy" - I mean, was
3 that the first time you'd heard Ta Mok say something like this,
4 or had he said this before?

5 A. That was the first time I heard. Before the end of the -
6 before the end of the war, currency - Khmer Rouge currency was
7 printed, and then the currency disappeared. And of course, after
8 the war, there were no markets, there were no cities, and this is
9 - this was like what he said.

10 [15.55.12]

11 Q. And when Ta Mok was saying "the evacuation of the people from
12 the cities was made for the entire country", did he say anything
13 about the other parts of the country - in other words, not Kampot
14 or the Southwest? Did he say anything - what the plan was for
15 other parts of the country?

16 A. He only talked about the province. That was true; he talked
17 only about the province - Kampot province. But, of course, that
18 practice was done throughout the whole country, and I believe
19 that there was the agreement from the leaders.

20 Q. I just want to be clear. I mean, prior to this meeting in
21 March 1975, had there been - had you attended any other meeting
22 where the evacuations of towns or cities was discussed?

23 A. No, the meeting was not held many times.

24 Q. And what instructions were you given at this meeting about - I
25 mean, how was the evacuation of Kampot to take place? What orders

1 did you get as to how the soldiers were to be used to evacuate
2 Kampot?

3 [15.57.10]

4 A. We ordered the people to leave the city, and that's all. That
5 was the order.

6 Q. And so what happened, then, on the day of the evacuation? What
7 happened to the - to the city-dwellers in Kampot?

8 A. Soldiers requested them to leave, and they arranged their
9 belongings, and then they went away along the roads. And the town
10 was quiet. And they left the city.

11 Q. And did the soldiers have guns with them when they were
12 escorting the civilians out of the city, or not?

13 A. After the evacuation of the people, the soldiers were not over
14 there. That was the role - that was the responsibility of the
15 others. As I said - as I have told you already, after the
16 evacuation, others were responsible for the work over there; it
17 was not the responsibility of the soldiers and the army anymore.

18 Q. I was just asking if, on the day when people were evacuated,
19 the soldiers were armed. I mean, were they armed or were they not
20 armed?

21 [15.59.21]

22 A. These soldiers did not mingle in the population and they had
23 nothing to engage in the business of civilians, at least to the
24 best of my recollection.

25 Q. Did you receive any instructions on what you were to do if

1 civilians didn't want to leave Kampot?

2 A. No, there was no such instruction. And there was a request
3 that all people had to leave the city, and everyone had to leave.
4 No one opposed this. And soldiers had to station at their
5 respective unit or section.

6 Q. What arrangements had been made outside of the city for these
7 people? Where were they going to live? What was going to happen
8 to them?

9 [16.00.55]

10 A. As I already mentioned, it was not the competence of the
11 soldiers. It was the sole responsibility of those who were in
12 charge of civilian management - the management of civilians or
13 population, and it had nothing to do with the soldiers. We,
14 soldiers, had to move to our respective unit to do some farming
15 to make sure that we would be self-sufficient. And I do not know
16 much about what happened at the rear because we were fully
17 engaged in the front battlefield, instead.

18 Q. And on this occasion when you were engaged in the front
19 battlefield, what happened to Lon Nol soldiers who were captured
20 at Kampot at this time?

21 A. As I mentioned, immediately after the war was over, we found
22 it difficult to identify who would be who because everyone
23 already was disarmed and - or surrendered their weapons, and we
24 can't - we couldn't say exactly who would be soldiers. They all
25 were like civilians.

1 [16.02.52]

2 MR. RAYNOR:

3 Mr. President, I can just see the time. I have a few questions
4 left on this theme. I anticipate they will take another 10
5 minutes just to finish off this topic, and then that will in fact
6 conclude the questions from the Prosecution.

7 So, Mr. President, I'm in your hands as to whether you would wish
8 me to continue at this time or whether to adjourn and to continue
9 tomorrow.

10 MR. PRESIDENT:

11 It is now appropriate time already for the adjournment.

12 And for the time you would like to use to put more question, you
13 may make use of the time allotted to the Lead Co-Lawyers for the
14 civil parties because you had used most of the time putting some
15 questions that were not relevant.

16 [16.03.56]

17 The Court is now - the session is adjourned today, and tomorrow's
18 sessions will be resumed at 9 a.m. tomorrow. And the questions
19 will be put by Lead Co-Lawyers for the civil party for one hour
20 during tomorrow morning's session, and the remaining time or
21 floor will be given to counsels for the Defence.

22 And, Mr. Witness, you are also invited to appear before the
23 Chamber again tomorrow, at 9 a.m.

24 Court officer is now instructed to assist with WESU and also the
25 security personnel of Prey Sar prison to make sure that Mr.

1 Chhouk Rin can be returned to the prison and have him returned to
2 the courtroom by tomorrow morning, at 9 a.m.

3 We also instruct people concerned to assist this operation so
4 that he can be returned to the courtroom accordingly.

5 And duty counsel for Mr. Chhouk Rin is also asked to return to
6 the courtroom to assist him for tomorrow's session.

7 [16.05.27]

8 WESU unit is now instructed to bring reserved witness TCW-126,
9 awaiting call for testimony, if need be.

10 And security personnel are now instructed to bring Khieu Samphan
11 and Nuon Chea back to the detention facility and have them return
12 to the courtroom by tomorrow at 9 a.m. Mr. Nuon Chea is
13 instructed to be returned to his holding cell, where - he can
14 observe the proceedings from there through audio-visual link.

15 The Court is adjourned.

16 (Court adjourns at 16H06)

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