



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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Sann Rada  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 May 2013  
Trial Day 181

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

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KHIEU Samphan

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESMAEL	French
MR. JULLIAN-GAUFRES (TCW-277)	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LOR CHUNTHY	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. PROM SOU (TCW-548)	Khmer
MS. SIMONNEAU-FORT	French
MS. SONG CHORVOIN	Khmer
MR. VERCKEN	French
MS. YE	English

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 As the Chamber informs the parties and the public yesterday, for  
6 this morning's session we will hear the testimony of TCW-548, and  
7 for the afternoon session we will have a video-conference with a  
8 witness from France.

9 [09.05.43]

10 As we will have the afternoon session for videoconferencing, for  
11 this morning's witness we will have him coming over again  
12 tomorrow for tomorrow morning session.

13 Mr. Dav Ansan, could you report the attendance of the parties and  
14 individuals to today's proceedings?

15 THE GREFFIER:

16 Mr. President, for this morning's proceedings, all parties to the  
17 case are present, except Mr. Son Arun, who is absent due to his  
18 health reason.

19 Nuon Chea is in the holding cell downstairs, based on the  
20 decision of the Trial Chamber concerning his health.

21 As scheduled and as informed by the President, the witness  
22 TCW-548 is ready to be called. This witness took an oath already  
23 yesterday - that is, the 20 of May 2013. The witness also  
24 confirms, to his knowledge and ability, he has no relationship by  
25 blood or by law to any of the two Accused or any of the civil

2

1 parties recognized in this case.

2 [09.07.09]

3 This witness does not have a duty counsel, and we do not have a  
4 reserve witness for this morning session.

5 As for the afternoon session - that is, the hearing of TCW-277  
6 through video-conferencing, has confirmed that this witness has  
7 no relationship by blood or by law to any of the two Accused or  
8 any of the civil parties recognized in this case. The afternoon  
9 witness will take an oath before the commencement of the  
10 testimony this afternoon.

11 The AV Unit already informed that all the equipment has been set  
12 up properly.

13 MR. PRESIDENT:

14 Thank you.

15 Court Officer, could you invite TCW-548 into the courtroom?

16 (Witness Prom Sou enters the courtroom)

17 [09.09.14]

18 QUESTIONING BY THE PRESIDENT:

19 Good morning, Mr. Witness.

20 Q. What is your name?

21 MR. PROM SOU:

22 A. Good morning, Mr. President. My name is Prom Sou.

23 Q. Thank you. Besides Prom Sou, do you have any other name or  
24 alias?

25 A. When I was at school, my name was Sun Loeun.

1 Q. Thank you. When were you born?

2 A. I was born on 4th July 1950.

3 Q. Thank you. What is - where is your current address?

4 A. My address is in Siem Reap province.

5 [09.10.26]

6 Q. What is your current occupation?

7 A. I do not work. I am a handicapped person and I live on my  
8 pension and with the support of my children.

9 Q. So it means that you are a retired civil servant; is this  
10 correct?

11 A. Yes.

12 Q. Thank you. Where were you born, Mr. Prom Sou?

13 A. I was born in Roluos village, Svay Chek commune, Thma Puok  
14 district, Battambang province.

15 Q. Can you tell the Chamber your father's name, your mother's  
16 name, your wife's name and the number of children that you have?

17 A. My father's name was Chong Sun and my mother's name is Huok  
18 Man, my wife's name is Rim Sam An and we have four children.

19 [09.11.56]

20 Q. Thank you, Mr. Prom Sou. As reported by the greffier, to your  
21 best knowledge and ability you have no relationship by blood or  
22 by law to any of the civil parties recognized in this case nor to  
23 any of the two Accused - that is, Nuon Chea and Khieu Samphan. Is  
24 this correct?

25 A. Yes, that is correct.

4

1 Q. Thank you. Also in the report by the greffier, you already  
2 took an oath before you appeared before this Chamber. Did you  
3 take an oath as reported?

4 A. Yes, the greffier took me to make an oath already.

5 Q. Thank you, Mr. Prom Sou.

6 And as a witness appearing before this Trial Chamber, we would  
7 like to inform you of your right and obligation as follows:

8 Mr. Prom Sou, regarding your right as a witness before this Trial  
9 Chamber, you may refuse to respond to any questions or comments  
10 that would incriminate you. That is your right against  
11 self-incrimination, which means - if you think your response may  
12 incriminate you.

13 [09.13.53]

14 Now, for your obligation, as a witness before this Trial Chamber,  
15 you must respond to all the questions put to you by any of the  
16 parties or any Judge of the Bench, except in the case of the  
17 right against self-incrimination. And as a witness, you must tell  
18 the truth that you have heard, have experienced or have witnessed  
19 directly of the events related to the questions put to you by any  
20 of the parties and Judges of the Bench.

21 Do you understand your right and obligation?

22 A. Yes, I understand it.

23 Q. Thank you.

24 Mr. Prom Sou, have you ever interviewed by the investigator of  
25 the Office of the Co-Investigating Judges in the last few years?

5

1 If so, how many times and where did it take place?

2 A. I was interviewed by the investigation team in Siem Reap  
3 province in 2009, and I have the written record of interview with  
4 me.

5 [09.15.34]

6 Q. How many times were you interviewed?

7 A. Only one time. It lasted a whole day.

8 Q. Thank you. Before you appear before this Chamber, have you  
9 read or reviewed the written record of your interview with the  
10 investigators in order to recollect yourself?

11 A. Yes, I read and reviewed the record.

12 Q. To your best knowledge, can you tell us whether the written  
13 record of interview that you have read and review in order to  
14 refresh your memory, is consistent with your responses that you  
15 gave to the investigators in 2009?

16 A. Yes, it is correct. For that reason, I signed on the record of  
17 interview.

18 [09.16.52]

19 MR. PRESIDENT:

20 Thank you.

21 And, Mr. Prom Sou, before your respond to the question, please  
22 pause a little bit until you see the red light on the tip of the  
23 microphone or on the console. Red light means the microphone is  
24 operational and you can begin speaking when you see the light, so  
25 that your voice will go through the system both inside the



6

1 courtroom and to the gallery, as well as to the interpretation  
2 booth.

3 And, of course, the microphone and the console will be operated  
4 by the AV personnel. This is in order for you to provide a  
5 complete response with a proper interpretation.

6 The floor is now given to the Prosecution to put questions to  
7 this witness.

8 And we would like to inform that both sides of the Bench will  
9 have half a day each; that is, the Prosecution and the Lead  
10 Co-Lawyers will have this morning session. And for tomorrow  
11 morning's session, the floor will be given to the defence teams.

12 [09.18.27]

13 QUESTIONING BY MS. SONG CHORVOIN:

14 Thank you, Mr. President. Good morning, Mr. President, Your  
15 Honours and everyone.

16 Good morning, Mr. Witness, Prom Sou. My name is Chorvoin,  
17 representing the national prosecutor. And to my right is Mr. Dale  
18 Lysak, representing the international prosecutor.

19 We have some questions for you regarding the Democratic Kampuchea  
20 regime and your experience living through the regime.

21 Q. First, I'd like to ask about some of your background prior to  
22 1975. You have been asked by the President whether you have read  
23 or reviewed your written records of interview that you made with  
24 the investigators. And my question is whether you have that  
25 record with you. We have an additional copy here if you don't

7

1 have one.

2 MR. PROM SOU:

3 A. Yes, I have the document with me.

4 [09.19.44]

5 Q. Then I'll commence my questioning to you, and from time to  
6 time I will refer to that written record of interview.

7 In your written record of interview dated 24 November 2009, you  
8 stated that probably in late 1971 Angkar assigned you to be  
9 propagandist - that is in question/answer number 1. My question  
10 is the following: As a propagandist, what did you do?

11 A. At that time, I was living in Rovieng district in Svay Damnak  
12 village and Angkar assigned me to propagandize in the base - that  
13 is in Rovieng district, in particular in Lvea Ta Saeng which was  
14 a distant commune adjacent to Kampong Thom province. It was the  
15 last commune within that district. And I would propagandize to  
16 the villagers to have a stable stance - political stance - and  
17 not to flee from the area.

18 Q. Thank you. Also in your response to that question you  
19 mentioned Angkar. What do you mean when you referred to Angkar in  
20 that statement?

21 A. It referred to the leadership level above me - that is the  
22 Sector 103.

23 [09.22.12]

24 Q. Was Angkar only up to the sector level or was Angkar also  
25 above the sector level?

1 A. To my knowledge, Angkar was from the top level down to the  
2 base level. At the top level, there would be the Central Committee  
3 and then there would be the Angkar at zone and at sector level.  
4 This is based on my understanding.

5 Q. Thank you.

6 When you served as a propagandist, did you hear of people talking  
7 about cooperative back then?

8 A. In Sector 103 of Preah Vihear province, they did not refer to  
9 a "cooperative". Rather, they referred to a "community"; they  
10 worked together; they did the rice farming together, but they ate  
11 individually. And only at a later stage, then the community was  
12 transformed into a cooperative and by then people ate communally.

13 [09.23.45]

14 Q. Do you know in what year was the cooperative established?

15 A. To my recollection, it was established in 1973. As for the  
16 community, it was established around 1971 or 1972.

17 Q. Do you know who gave the order for the establishment of the  
18 cooperative in the place where you worked?

19 A. It was only the district and the sector levels of committees  
20 who made such a preparation.

21 Q. Thank you.

22 Again in your written record of interview in the same question  
23 and answer session 1, you stated that in 1972, Angkar made you to  
24 be a core member and in 1973 you became a Party member at Anlong  
25 Svay office presided over by Hang who was the Deputy Chairman of

1 Sector 103. My question is: When did you know Hang and under what  
2 circumstances?

3 A. Hang was a cadre who first came to Rovieng district and he led  
4 the people there in his capacity as the Deputy Chairman of Sector  
5 103.

6 [09.25.50]

7 Q. Can you recall in what year that you got to know this person  
8 Hang?

9 A. I got to know him in around 1971 when Hou Youn came for a  
10 meeting in Rovieng pagoda.

11 Q. Who introduced you to Hang or how did you get to know him in  
12 1971?

13 A. Everybody knew that he was within the sector level because he  
14 also called me for the study session. He was part of the base  
15 Angkar group.

16 Q. Thank you. I like you to shed some light on Sector 103. Can  
17 you tell us whether Sector 103 covered a number of area or  
18 provinces?

19 A. Sector 103 extended completely over Preah Vihear province and  
20 the Stung Treng province - that is the areas to the west of the  
21 Mekong River.

22 [09.27.40]

23 Q. Can you recall how many districts there were within Sector  
24 103?

25 A. In Sector 103 there were 13 districts; that was after 1970.

10

1 Q. Under which zone was Sector 103 located or was it autonomous?

2 A. Sector 103 was autonomous and under the direct supervision of  
3 the Centre. At that time, zone level was not yet established.

4 Q. Thank you.

5 Again in your question/answer 1, you stated that Angkar assigned  
6 you to work in the Agricultural Office – in the Commerce Office.

7 My question is: Prior to 17 April 1975, was the Sector 103  
8 Commerce Office involved in dealing with particular matters?

9 A. Before 17 April 1975, the Commerce Office of Sector 103  
10 involved in dealing with the livelihood of the people in the  
11 entire sector. That was the primary target, in particular to deal  
12 with the supply of salt; secondly the medicine; and thirdly, the  
13 clothing for the people.

14 [09.30.01]

15 Q. Thank you very much.

16 Before I move to the next topic I would like to ask you between  
17 1971 and 1975, had you ever met with any senior leaders of the  
18 Khmer Rouge, either meeting during sessions where speeches were  
19 made in your sector?

20 A. From 1970 to 1975, I had never met in person any senior  
21 leaders. But I heard of their travels, I heard that they passed  
22 our area. I heard of Mr. Khieu Samphan who got married in Rovieng  
23 or had a wife in Rovieng rather. And In 1973, we heard that  
24 Samdech Sihanouk travelled with other people from Stung Treng to  
25 Preah Vihear all the way to Siem Reap, and they were accompanied

11

1 by Khieu Samphan and Nuon Chea. I never met them but I heard  
2 about this.

3 [09.31.44]

4 Q. How did you know about this or how did you hear about this?

5 A. I heard from people in the base. For example, people in  
6 Rovieng district or in Sangkom Thmei district who briefed me.

7 Q. Thank you. The final question before I move to the new topic  
8 is: Did you ever see Mr. Khieu Samphan before April 1975 or  
9 during the period of Democratic Kampuchea?

10 A. No, I didn't. I never met him in person. Although I knew he  
11 got a wife in Rovieng, I never met him or his wife in person. But  
12 I knew that he was an intellectual, a person who graduated with a  
13 law degree in France.

14 Q. Thank you. I would like to now move to the topic of forced  
15 evacuation.

16 On the 17 of April 1975, where were you?

17 A. On the 17 of April 1975, I was at the Commerce Office at  
18 Rovieng district of Preah Vihear.

19 [09.34.05]

20 Q. Thank you. In your statement of the same record on question  
21 and answer number 15, when you were asked this question about the  
22 people who were transferred to Sector 103, "Where were they  
23 from?" And you said that the people who were at Sector 103 were  
24 those who were students from France and Germany for example. My  
25 question to you is: When did you see these evacuees coming to

1 Sector 103?

2 A. It was in Kampong Thom province that I saw people being  
3 evacuated from Phnom Penh to Preah Vihear because I was in charge  
4 of transporting goods and we had to distribute tractors and  
5 vehicles at Sector 103. And during the course of my work, I saw  
6 the evacuees.

7 Q. You have not answered my question yet. When did you see them?

8 A. I don't remember the exact date. But I knew for sure that  
9 these evacuees were transported by boats and they were  
10 disembarked at Kampong Thom, at the vicinity of Stueng Saen  
11 Hotel, the current Stueng Saen Hotel vicinity.

12 [09.36.23]

13 Q. Did you know in advance that these people would be sent to  
14 Sector 103?

15 A. No, I didn't. However, whenever the plan was made and carried  
16 out, Commerce Section would be tasked with distributing all the  
17 foods and commodities for the use of the people - for people to  
18 use in Sector 103.

19 Q. You were asked this question: "Where these evacuees were  
20 from?"

21 And you said: "They were from Phnom Penh, the majority of whom  
22 was sent from Phnom Penh."

23 How did you know they were from Phnom Penh?

24 A. I knew this because I had to receive them in Kampong Thom.

25 Q. How many people were sent from Phnom Penh at that time? How

13

1 many families in total, if you still remember?

2 [09.37.59]

3 A. There were about three - rather, 3,000 people.

4 Q. About 3,000 people? Are you referring only to Phnom Penh  
5 evacuees or are you also referring to other evacuees at that  
6 time?

7 A. No other evacuees were seen coming to that location where I  
8 had to receive. These people were mainly sent from Phnom Penh  
9 only and we had to receive them. If they were from different  
10 locations, they would be received elsewhere.

11 Q. Thank you. During the evacuation, did you know whether cadres  
12 of Sector 103 would be instructed on how to deal with the  
13 evacuees?

14 A. To receive the evacuees, we were instructed in advance before  
15 these people came, and we were tasked with distributing salt,  
16 food, and other basic needs to the evacuees, and that was our  
17 task, and after that, the job is done.

18 [09.40.03]

19 Q. You also mentioned about Angkar 103. Who were in the Angkar  
20 103?

21 A. In the sector level of leadership, there were a few people,  
22 and people who were in charge of evacuating the people from Phnom  
23 Penh was - including Hang. Hang ordered me to distribute foods to  
24 these people; distribute materials as well and supplies.

25 Q. Are water supplies adequate for 3,000 evacuees?



14

1 A. Rice and salt were decent, and we also provided these people  
2 with enough tractors and vehicles for use.

3 Q. To the best of your knowledge, were you aware why there was an  
4 order to evacuate the people from Phnom Penh?

5 [09.42.05]

6 A. Based on my knowledge and analysis, Phnom Penh was liberated,  
7 yet Phnom Penh had some security issues to be resolved - for  
8 example, that bombs would be dropped by Americans - and bombing  
9 was also a big concern. And most importantly, food was a part of  
10 priority for Angkar to ensure that people had enough to eat, and  
11 for that, people may have to be evacuated.

12 Q. You also mentioned about these students from France and  
13 Germany, for example, who had to be transferred to Sector 103.  
14 My question to you is: Were these people, these returnees, sent  
15 to Sector 103 simultaneously when the evacuees were sent from  
16 Phnom Penh?

17 A. The students who were from abroad were sent to the sector at a  
18 later date, and Angkar arranged to have them transferred to  
19 Sector 103 subsequently.

20 Q. Thank you. Regarding the evacuees from Phnom Penh and Khmer  
21 returnees to 103 - Sector 103, were they obliged to produce their  
22 biographies upon arriving at Sector 103?

23 [09.44.20]

24 A. I don't know about this. People were dispersed or sent to  
25 cooperatives. Biographies could have been taken, but they could

15

1 have been made to produce these biographies in each respective  
2 cooperative.

3 Q. Thank you.

4 Now, with regard to the New People who were evacuated to Sector  
5 103 – and I may refer to your statement in Q&A number 17 – you  
6 said this: "Those evacuees worked in different cooperatives, and  
7 some of skilled people were assigned to [work in] workshops as  
8 lathe operators. Most of these New People died of starvation and  
9 disease."

10 My question is: Why most of these New People died of starvation  
11 and disease?

12 [09.45.45]

13 A. I saw this; I bore witness to this situation. The cooperatives  
14 were not skilled or experienced enough to handle this number of  
15 people. And when people were sent to cooperatives, they were  
16 later on transferred to work at Thmei village. This group of  
17 people were confined or were placed in this single place. It's a  
18 new village, indeed, so they had to clear the plantation; they  
19 need to clear the forest for paving way for plantation. And it  
20 was not easy because it was not like sending people to the old  
21 village, where you would make the most of the fruit trees and  
22 available plants. But here they were sent to a different place so  
23 that they could be self-sufficient. But after a while they were  
24 reintegrated into the old village to mingle with the old  
25 villagers.

1 Q. Were most of the people who died of starvation and disease the  
2 New People, or were there some Base People as well, included?

3 [09.47.38]

4 A. When it comes to disease, there is no discrimination. People  
5 fell ill. When medicine was scarce, then people could not be  
6 saved on time. So this applies to all people, including the New  
7 and the Base People. But the effect appears to be more seen on  
8 the New People than the Base People because these New People had  
9 to adapt new way of life, so life was not as pleasant as  
10 expected.

11 Q. Thank you.

12 I would like to move to another topic, which is about commerce  
13 sector - or, rather, Commerce Office of Sector 103.

14 Under question number 2 of your statement, you said: "After the  
15 17th of April 1975..."

16 And when you were asked where you worked, you said you worked at  
17 Commerce Office of Sector 103. What did you do in that Commerce  
18 Section?

19 A. In the Commerce Unit, indeed, after I had been discharged from  
20 the hospital after I got injury, I was assigned new task at  
21 Sector 103 in the Commerce Section to prepare the inventory, the  
22 list of commerce and distribution.

23 [09.49.50]

24 Q. You mentioned about your roles in Commerce Section of Sector  
25 103. What was actually the overall role for Commerce Section of

1 103?

2 A. The core roles or function of Commerce Section of 103 was that  
3 people were expected or supposed to collect all the kitchen  
4 utensils, for example like dishes, and have them collected from  
5 various - or from the sector. And also they had - the task of the  
6 sector - or, rather, section was to distribute the collected  
7 clothes, dishes, and other materials to different districts and  
8 cooperatives.

9 Q. To which districts were these clothes or materials  
10 distributed?

11 A. The materials - items collected from Phnom Penh, in particular  
12 - were distributed to districts and cooperatives, and the  
13 distribution amount varies according to the size of districts and  
14 cooperatives.

15 Q. Who determined the exact amount of distribution to these  
16 districts and cooperatives?

17 [09.52.02]

18 A. The amount of materials to be distributed to districts and  
19 cooperatives, the decision was made by group, including the  
20 superiors of our section, and on some occasions we received  
21 orders from sector level regarding this distribution.

22 Q. Do you know to whom Sector 103 had to report regarding the  
23 materials to be distributed to districts?

24 A. Sector 103 had to deal with the Centre. And so far as I know,  
25 Phang and Khy would be the two individuals who were the so called

18

1 persons to contact when it comes to communication with the Centre  
2 from Sector 103.

3 Q. Mr. Witness, at any point in time during this period, were you  
4 ever promoted to become the Head of Commerce Section of Sector  
5 103?

6 A. Neither had I ever been promoted as the Chairman of Commerce  
7 Section or Deputy Chairman of the Section, but I was once the  
8 member of the section, for sure, and I was – I was working with  
9 Rit, who was the person also in charge.

10 [09.54.18]

11 Q. What did Rit do at that time?

12 A. Rit was the deputy chairman. He was overly (sic) in charge of  
13 transportation, warehouses, and also, overall, administration and  
14 arrangement. And I can say that he was overly (sic) in charge of  
15 this Commerce Section. And above him, it was Hang.

16 Q. So is it fair to say that Hang was the head, and then Rit was  
17 his deputy?

18 A. Rit was the Deputy Head of the Commerce Section, when Hang was  
19 the chairman of the sector level.

20 Q. Can you please be more precise? Who was the Chairman of  
21 Commerce Section of Sector 103?

22 A. Phean was the head of Commerce Section of 103.

23 Q. Was Phean the all-time Chairman of Commerce Section of 103, or  
24 was another person appointed as his successor during this entire  
25 period of Democratic Kampuchea?

1 [09.56.23]

2 A. I may have to talk about this in detail.

3 Phean, at the beginning, was in charge of Commerce Section at K  
4 1. He was close to Bong – Brother Man. But when Man passed away,  
5 then these people were gathered to work at the Commerce Section  
6 in Rovieng. From then on, there was no K 1, K 2 as such; it was  
7 only Commerce Section in Sector 103, one single Commerce Section  
8 there.

9 Q. Thank you. Where was Commerce Section in Sector 103 situated?

10 A. It was situated in Rovieng district, in the provincial town of  
11 District Rovieng – of Rovieng.

12 Q. How far was it from Commerce Office to the office of the  
13 sector?

14 A. It was about 15 kilometres, because sector officer was in  
15 Tumloab district, when Commerce Office was in Rovieng district.

16 [09.58.27]

17 Q. Regarding meetings, did any members of this Commerce Section  
18 join meetings when members of sectors convened the meetings?

19 A. Commerce Section staff or people had to attend meetings and  
20 assemblies, like other members of other offices, with the sector  
21 level.

22 Q. Were meetings and assemblies frequent? Or how often were these  
23 events conducted?

24 A. Assemblies would be convened once every three months, and  
25 there would be some other urgent meetings, the meetings that

1 would be called on own initiative of the sector secretary.

2 Q. Were district chiefs also invited in these kinds of rallies,  
3 or assemblies, or meetings?

4 A. In such meetings, everyone would be invited to attend,  
5 including military who were stationed at the border?

6 Q. In general, what were the topics of those assemblies or urgent  
7 meetings?

8 [10.00.30]

9 A. The content of the assemblies or the meetings were, first, the  
10 implementation of the 3.5 tonnes to 7 tonnes per hectare, based  
11 on the assigned duty. This meant that we had to conduct a strong  
12 attack to achieve the base production as possible, and it applies  
13 to both the - to the military and also to the civilians. And that  
14 would be under the leadership of the district level.

15 As for the other offices, including the Commerce Office, they had  
16 to engage in their work and perform their duty to their best.

17 Q. Thank you.

18 Regarding the Commerce Office in Sector 103, did it have its own  
19 office in Phnom Penh?

20 A. To my knowledge, there was an office in Phnom Penh situated  
21 near the riverbank. The purpose was for the transportation of  
22 goods by car or by boat.

23 Q. Did you ever come to that office in Phnom Penh?

24 [10.02.09]

25 A. Yes, I went there once, when we transported the injured. It

21

1 was during the New Year, so I had to accompany those injured  
2 people to Phnom Penh. That was on the 17th April.

3 Q. My last question to you is the following. The cadres at Sector  
4 103, to your knowledge, were assigned to work in the office in  
5 Phnom Penh. Who were they?

6 A. To my knowledge, the cadres who came to station in the office  
7 in Phnom Penh were all arrested. In fact, one survived, but in  
8 1979 it was – the person was a brother or a sister-in law of  
9 Khieu Samphan, but the rest disappeared.

10 Q. Can you recall the names of those who disappeared? And  
11 regarding the elder in law of Khieu Samphan, what was the name?

12 A. The elder in law of Khieu Samphan, while he was still alive,  
13 was Chhorn. Some died, including Pheng, and I cannot recall the  
14 other names; I only can recall the name of Pheng.

15 [10.04.15]

16 MS. SONG CHORVOIN:

17 Thank you, Mr. Witness.

18 Mr. President, I concluded my part, and I would like now my  
19 international colleague to continue.

20 MR. PRESIDENT:

21 Thank you.

22 Yes, you may proceed.

23 QUESTIONING BY MR. LYSAK:

24 Thank you, Mr. President. And good morning, Mr. Prom Sou.

25 Q. Let me just quickly follow up on something that you just



22

1 mentioned. You indicated that you came to the sector office in  
2 Phnom Penh once, in order to transport some injured people. Can  
3 you tell us what year that was and why it was that you were  
4 transporting injured people to the sector office in Phnom Penh?

5 [10.05.21]

6 MR. PROM SOU:

7 A. As I recall it, it was on the New Year's Day, and the rest  
8 were busy in the celebration of the New Year, so that I  
9 accompanied a medic by the name of Chhorn with the injured  
10 people. And I believe that was in 1975, and the road was pretty  
11 rough back then. So, I came along with a medic named Chhorn. Then  
12 they went to the 17 April Hospital.

13 Q. And how is it that these people had been injured?

14 A. To my recollection, the injured were actually accidentally  
15 shot. It was not the injured from the battlefield.

16 Q. I want to move on to some questions that relate to the  
17 structure, lines of authority, reporting, and communications in  
18 Sector 103 during DK regime.

19 And you've indicated that Hang was the Sector 103 Secretary after  
20 the death of Bong Man in 1974, and you indicate, in answer number  
21 3 of your OCIJ interview, that Hang continued to be sector  
22 secretary until his arrest at the end of 1977. So I would like to  
23 start with some questions relating to the period during which  
24 Hang was the sector secretary.

25 [10.07.43]

1 And one of the documents that have been admitted in this trial is  
2 the minutes of a 8 March 1976 Standing Committee meeting on base  
3 work, which is document E3/232 - E3/232. The list of attendees at  
4 this meeting include: the Party Secretary, Pol Pot; the deputy  
5 secretary, Nuon Chea; Khieu Samphan, alias Hem; a representative  
6 from Sector 106 identified as Comrade Soth; and a representative  
7 from Sector 103 identified as Comrade Hang.

8 Can you confirm for us whether Hang was the Secretary of Sector  
9 103 as of March 1976?

10 A. To my recollection, Hang had been appointed in that position  
11 prior to 1971 (sic), after the death of Brother Man. So, in fact,  
12 after the death of Man, he was in the acting position. And of  
13 course, by 1976, he was a full-fledged chairman of the sector.  
14 Bong Man died probably in late 1974, because I was injured, and  
15 upon my return he died.

16 [10.09.57]

17 Q. Were you aware during the Democratic Kampuchea period that  
18 Sector Chairman Hang made trips to Phnom Penh to meet with the  
19 Party leaders there?

20 A. Regarding the meetings with the Upper Echelon or with the  
21 Central Committee by him, he did not tell me. He came along with  
22 his messenger by a vehicle, and during his absence there would be  
23 someone acting in his capacity in the office.

24 Q. And can you tell us, approximately, how often was Sector  
25 Chairman Hang absent from the sector?

1 A. I could not grasp the situation because at that time the issue  
2 of secrecy was high and strict, so I only minded my own business.

3 Q. I want to read to you a portion from the 8 March 1976 Standing  
4 Committee minutes, in which Sector Chairman Hang reported on the  
5 section in the sector. And for the record, this is Section 2.3 of  
6 those minutes.

7 [10.12.07]

8 In that part of the meeting, Hang reported - quote: "Many of the  
9 brothers and sisters of the people in the worksites are ill and  
10 have fevers." End of quote.

11 He also reported on the enemy situation in the sector, stating -  
12 quote:

13 "Along the Thai border, especially Prasat Preah Vihear, there are  
14 no activities, but they send in spies, Thai nationals, whom we  
15 have captured."

16 And continuing, Hang reported that "since January, almost 100  
17 people [in total] have been arrested."

18 Do you know what was done with Thai nationals believed to be  
19 spies who were captured at Preah Vihear - where they were taken  
20 and what happened to them?

21 A. No, I did not grasp the situation regarding the arrest of the  
22 Thai people. I knew that there were the Red Thai's - or, in  
23 Khmer, "Thai Kraham" - who came to make that base along the area.  
24 But I did not know about the arrest of the Thai.

25 Q. And in that same meeting, Hang reported to the Party leaders

1 in Phnom Penh that there had been almost 100 people arrested  
2 since January.

3 [10.14.10]

4 I want to refer you to answer number 14 of your OCIJ interview,  
5 in which you made the following statement – quote: "When Ta Hang  
6 was the chairman of the sector, there were also arrests of  
7 teachers, government officers, and cadres who had political  
8 tendency; however, the arrest was in small scale." End of quote.

9 Who were you referring to when you stated that government  
10 officers were arrested during Hang's period as sector secretary?

11 A. To my recollection, it was the village chief of Svay Damnak by  
12 the name of Kong (phonetic) was arrested; that was in late 1975.  
13 And later on there was an arrest of a teacher whom I knew, and  
14 that was in 1969. At that time, some of them were arrested.

15 Q. When you said that some of the people arrested were "cadres  
16 who had political tendency", what did you mean by "political  
17 tendency"?

18 [10.16.07]

19 A. Regarding the political matter, it would refer to their  
20 political background or status during the Lon Nol regime. That's  
21 what I meant by "political tendency"; that is their previous  
22 political stance in the previous regime.

23 MR. LYSAK:

24 Mr. President, I'd like to show the witness, now, a document,  
25 document E3/874 – E3/874 – which is a 18 July 1976 telegram from

26

1 Hang, addressed to "Beloved and Missed Brothers" and copied to  
2 "Brothers Nuon, Khieu, Van, Office, and Documentation".

3 With your leave, I'd like to present that to the witness.

4 MR. PRESIDENT:

5 Yes, you may do so.

6 Court Officer, could you deliver the document from the  
7 Prosecution for the witness examination?

8 [10.17.51]

9 BY MR. LYSAK:

10 Q. Mr. Witness, the part of this document that I want to direct  
11 your attention to is Section 2. And in particular, at the start  
12 of the section, it is indicated there is a report regarding a  
13 person named Phoeun, which states - quote:

14 "In the night of 14 July, when the region chief had gone to Phnom  
15 Penh and the people at the Commerce Unit were at the Tumnob  
16 Khvaeng worksite, Phoeun was at home, threatening to rape five  
17 pregnant women, wives of the Commerce Unit's soldiers. One of the  
18 soldiers arrived and saw Phoeun assaulting his wife. Then he ran  
19 to report to our comrades in the Commerce Unit's Committee."

20 And then continuing later, below - quote: "According to the  
21 analysis of the region's chief and the people of the commercial  
22 branch, Phoeun is-"

23 [10.19.07]

24 MR. PRESIDENT:

25 The Prosecutor, there is an objection by the counsel for Khieu

1 Samphan. You may pause.

2 Khieu Samphan's defence, you may proceed.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President.

5 I'd like to request that the Prosecution should follow the  
6 procedure of presenting the document first: whether the witness  
7 is familiar with the document handed to him before the  
8 Prosecution can read a rather long passage from the document.

9 MR. LYSAK:

10 Mr. President, if I may respond, one of the exceptions we've  
11 established, particularly with reports regarding areas that the  
12 person was responsible for, is that the witness is entitled to  
13 review and testify about reports or minutes that concern -  
14 directly concern matters within his area of knowledge.

15 [10.20.14]

16 This is a report that concerns events that took place at the  
17 Commerce Unit in Sector 103, and under the prior precedent we've  
18 been allowed for witnesses to testify about reports and telegrams  
19 where they directly involve matters within their knowledge.

20 MR. PRESIDENT:

21 Defence Counsel, you may proceed.

22 MR. VERCKEN:

23 Very briefly, Mr. President, just to respond that the witness has  
24 contested the fact that he was responsible for the trade division  
25 - and if it is deemed necessary to examine him on that particular

1 matter, he may do so. But to impose a document as if he were  
2 familiar with it and to take it for granted without any  
3 preliminary questioning is inappropriate.

4 [10.21.26]

5 MR. LYSAK:

6 Mr. President, the point of the question was to direct him, read  
7 to him the portions of the document, and then to ask him whether  
8 he was familiar with the matter that was reported. In order to do  
9 that, rather than have the witness read on his own the entire  
10 document, it seems to me more efficient for us to direct him to  
11 the specific sections of the document that concern the Commerce  
12 Unit and, I would note, concern the Commerce Committee, which he  
13 has stated he was a member of.

14 (Judges deliberate)

15 [10.22.52]

16 MR. PRESIDENT:

17 The Chamber is of the view that this is a specific case. It is  
18 also related to the task that the witness engaged in - that is,  
19 the Commerce Office - and that is also related to the content of  
20 the telegram. And for that reason, the Chamber also wished to  
21 hear the extract from the telegram.

22 So, yes, the Prosecution, you may proceed with your questioning  
23 to this witness and to read the relevant portion from that  
24 telegram.

25 BY MR. LYSAK:

1 Thank you, Mr. President.

2 Q. Continuing, Mr. Witness, I was referring to a section in the  
3 middle of part 2 of the document, which reads – quote: "According  
4 to the analysis of the region's chief and the [people of] the  
5 commercial branch, Phoeun is incapable of observing the Socialist  
6 line; he is against it instead."

7 [10.24.14]

8 And then, towards the very end, in the last paragraph – quote:  
9 "Everybody's comments are the same as the region chief's,  
10 agreeing that Phoeun has no more revolutionary element. There is  
11 no way to change him back. He can only betray [us] further.  
12 Beside the personal point of view of betrayal of the Socialist  
13 line mentioned above, the only issue is to search for traitors'  
14 connections and their origin."

15 And the report concludes by requesting "advice from the Party" on  
16 the matter.

17 My question to you, Mr. Witness is: Do you recall this incident?

18 And can you tell us who Phoeun was?

19 MR. PROM SOU:

20 A. As I stated, the name was not Phoeun, it was Phean, an ethnic  
21 minority who was in charge of the Commerce Section.

22 [10.25.28]

23 And for the arrest of that person, I was in fact working in a  
24 rice field at the time. By that time, the screening process was  
25 done in order to gauge the good or bad elements, so I was a bit



30

1 familiar with this matter.

2 The Deputy of the Commerce arrested that Brother Phean and placed  
3 him at the Sector Security Centre, which belonged to Bong Hang.

4 But, in fact, it caused by Bong Rit, regarding the conflicts at  
5 the Commerce Office in Rovieng. Then he made a report to the  
6 Central Committee to ask for opinion. However, this is based on  
7 my understanding.

8 Q. So, just so we are clear, the person that's discussed in this  
9 report is the person you previously identified, Phean, who was in  
10 charge of the Commerce Office. Is that correct?

11 A. Yes, that is correct. Phean was the chairman of the office.

12 Q. And do you recall what happened to Phean after this report was  
13 sent to the leaders in Phnom Penh?

14 A. After his arrest, he was placed at the Security Centre. And  
15 after the report, that person, Phean, disappeared.

16 [10.27.44]

17 MR. LYSAK:

18 Mr. President, I'd like to move to another document now. I can  
19 continue or we can - or if you want to take the morning break  
20 now, I'll be moving to a new subject.

21 MR. PRESIDENT:

22 Thank you.

23 The time is appropriate for a short break. We will take a  
24 15-minute break and return at a quarter to 11.00.

25 And, the Prosecution and the Lead Co-Lawyers, you are once again

31

1 reminded that for this morning's session, we will adjourn at 10  
2 to 12.00 - 10 to 12.00 - as we will commence the afternoon  
3 session at 20 past 1.00 for the afternoon hearing through a  
4 video-conferencing, so - and also we shortened a little bit of  
5 time of the break this morning, that will be only for 15 minutes.  
6 And, Court Officer, could you assist the witness during the break  
7 and have him returned to the courtroom at a quarter to 11.00?

8 The Court is now recessed.

9 (Court recesses from 1029H to 1047H)

10 MR. PRESIDENT:

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

12 Once again, the floor is given to the Prosecution to continuing  
13 putting further questions to this witness. You may proceed.

14 BY MR. LYSAK:

15 Thank you, Mr. President.

16 Mr. Witness, I'd like to read to you now and ask you about a -  
17 another document, which is E3/1091 - that's E3/1091 - which was  
18 Telegram 53, sent from Sae of Zone 801 to Committee 870 on the  
19 23rd of August 1977.

20 [10.48.42]

21 And let me read to you the first paragraph of this telegram,  
22 which states as follows - quote:

23 "According to the decision of the Party, I had been assigned to  
24 work in Region 103 for a period of time. I would like to report  
25 on [my activities] as follows: In a period of ten days, I worked

1 in five districts: Tbaeng, Kuleaen, Sangkom Thmei, Rovieng, and  
2 Choam Khsant. I made conferences in each district with the  
3 participation of district chiefs, community chiefs, and some  
4 other offices in the districts. In the conferences, Party's  
5 political guidelines were lectured." End of quote.

6 In your interview, Mr. Witness, you discuss an individual named  
7 Kang Chap alias Sae. Can you tell us who Sae was?

8 MR. PROM SOU:

9 A. Sae was, indeed, Kang Chap who was the Chairman of the new  
10 North Zone in Siem Reap. There were 101 and 103 within that zone.

11 [10.50.32]

12 Q. Do you recall Kang Chap coming to work in Sector 103 for 10  
13 days in August 1977, during which time he convened conferences  
14 with district cadres?

15 A. Initially, for the appointment of Kang Chap as the chairman of  
16 the zone, it was presided by Uncle Nuon Chea at the time. That's  
17 how I got to know this person.

18 Q. Okay. I will ask you some questions about this meeting where  
19 Nuon Chea was present in a few minutes.

20 Before I do that, there's one other document I want to ask you  
21 about, and this is E3/1144 - E3/1144 - and this is a telegram  
22 from Kang Chap alias Sae to Committee 870, dated the 5th of  
23 September 1977, that is copied to "Uncle, Uncle Nuon, Brother  
24 Van, Brother Vorn, and Brother Khieu".

25 And at the end of Section 1 of this telegram, there is a report

1 on the situation of the internal enemy, in which Sae reports as  
2 follows - and let me read this passage to you - quote:

3 "At the bases, offices, ministries, and military offices, we have  
4 uncovered many enemies who are burrowing from within, either  
5 through the spying of their anti-revolution activities or through  
6 the implications. Those enemies who were former officials,  
7 policemen, or soldiers of the previous regime were discovered one  
8 after another." End of quote.

9 Can I ask you whether - first of all, whether former officials,  
10 soldiers, and policemen from the Lon Nol regime were considered  
11 to be enemies of the CPK?

12 [10.53.42]

13 A. To my knowledge, after the appointment of Kang Chap as the  
14 president of the zone, some of the cadres were arrested, and I  
15 gathered some of the cattle, together with another handicapped  
16 person, and we took those cattle to the forest; and we lived  
17 there - we herded the cattle there - so we did not know much  
18 about what happened in the district.

19 Q. Can you tell us whether - during the period of Democratic  
20 Kampuchea from April '75 to January '79, were there efforts made  
21 in Sector 103 to identify persons who were connected to the  
22 former regime - to the Lon Nol regime?

23 A. After 17 April, former Lon Nol soldiers and officials stayed  
24 with the cooperatives, and some were sent to various other  
25 production units. As far as I know, there were no purges of those

1 people; they were grouped together in various production units.

2 That's all I knew.

3 [10.55.42]

4 Q. Thank you, Mr. Witness.

5 I want to now turn to the subject you referred to a few minutes  
6 ago, which was a meeting relating to the appointment of the new  
7 North Zone, that was presided over by Nuon Chea. Can you tell us,  
8 first of all, when and where this meeting took place?

9 A. As I recall it, at that time I worked near the sector office,  
10 in Tumloab village. And, of course, there was a meeting place at  
11 the sector office. And, in fact, I was also called to participate  
12 in the meetings, together with the chiefs from various other  
13 leadership levels.

14 Nuon Chea made an announcement to appoint Kang Chap as the  
15 chairman of the zone, and the sectors were no longer autonomous  
16 because the zone was established; that was for the Siem Reap  
17 area. This event occurred probably in late 1977.

18 Q. And how long did Nuon Chea speak at this meeting?

19 A. The meeting lasted only for one morning. In fact, after the  
20 meeting, there was no lunch provided to the participants. We went  
21 to eat at our respective locations, except for some cadres who  
22 came from a further distance; some of them were given lunch at my  
23 place.

24 Q. And during this meeting that lasted for one morning, how long  
25 did Nuon Chea speak?

1 [10.58.45]

2 A. For that one-morning session, he did not really speak much. He  
3 spoke about the situation of the reintegration of the sectors  
4 into the new zone, and about the production – the rice production  
5 of 3.5 tonnes per hectare to 7 hectares, and that we all try to  
6 work hard to build dams, and to raise canals, and to work on  
7 fertilizer. And about other units, for appointments of the heads  
8 of other sectors, were the confidential meetings where I was not  
9 allowed to attend.

10 Q. At the meeting that you attended, did Nuon Chea talk about the  
11 enemy situation, such as presence of agents from the CIA and KGB?

12 A. To my recollection, he spoke about that: that we, at the base,  
13 had to be vigilant because the enemy conducted their activities  
14 burrowing inside. But he only spoke briefly on this matter, but  
15 he spoke at length about the rice production and the production  
16 between 3.5 tonnes to 7 tonnes per hectare and about the  
17 organization of the zone.

18 [11.00.40]

19 Q. And can you tell us in a little more detail what,  
20 specifically, he said about rice production and 3.5 to 7 tonnes  
21 per hectare? Was he providing rice production goals for the  
22 sector? Or what was Nuon Chea's statement in regards to rice  
23 production?

24 A. In order to achieve the production of 3.5 tonnes to 7 tonnes  
25 per hectare is for the transformation of the people living in the

1 sector so that there would be abundance of food to supply within  
2 the sector. And he spoke that the rice production by the people  
3 in the sector was just enough, and with the evacuees from Phnom  
4 Penh, it was additional burden on the output of the rice  
5 production. And for that reason, he encouraged the increase of  
6 the production from 3.5 to 7 tonnes per hectare so that people  
7 living in the area would have sufficient food to eat, three meals  
8 per day and every dessert - a dessert every 10 days. And that's  
9 all when he spoke about the rice production.

10 As for the goals in order to achieve the 3.5 to 7 hectares (sic),  
11 he did not speak about the surplus; he only spoke about the  
12 supply - the sufficient supply of the people living in the area,  
13 as in this there was no roads outside where the output or the  
14 surplus could be transported to.

15 [11.02.50]

16 Q. How did you know that the person who spoke at this meeting was  
17 Nuon Chea?

18 A. Because I personally attended the meeting, and during the  
19 break he actually made a visit to my site and my unit and he was  
20 among other people, with the cook. And of course, by that time, I  
21 knew it was him.

22 Q. Did you know what Nuon Chea's position was at that time?

23 A. At that time, from what I knew and based on the announcement  
24 on the radio broadcast, he was the President of the Assembly of  
25 Democratic Kampuchea.

1 Q. You also stated – this is referring to answer number 10 of  
2 your OCIJ interview – that following the open meeting that you  
3 attended – that there was a – what you called a "secret meeting"  
4 that was only attended by Nuon Chea, Kang Chap, and two cadres  
5 that had been brought from the Southwest Zone to take over in the  
6 sector, Ta Khim and Ta Saroeun.

7 Can you tell us how you knew that this secret meeting had taken  
8 place, involving Nuon Chea and these other persons?

9 [11.05.17]

10 A. In fact, I knew about that based on my analysis. I knew about  
11 the meeting at the zone level, but as for the meetings at the  
12 sector level for the assignment of Khim and Saroeun to be in  
13 charge of the sectors after the disappearance of Ta Hang. But I  
14 did not know the details about where the meeting took place or  
15 the number of the participants.

16 Q. In that same answer, answer number 10, you stated that  
17 following the meeting that was conducted by Nuon Chea, there were  
18 – quote – "series of arrests of Bong Hang and other people in  
19 Sector 103". Can you tell us how long – how long was it after the  
20 meeting with Nuon Chea that Hang disappeared?

21 A. It was not long after that meeting was held; Hang disappeared,  
22 and the arrests began – that is, the arrests for cadres in all  
23 units, including the sector office. And the family, and the  
24 relatives, and the children of Hang were also arrested. In fact,  
25 the arrests were not apparent, as they were called to get on to



1 the vehicle and disappeared.

2 [11.07.17]

3 MR. LYSAK:

4 For the record, Mr. President, as this witness has testified that  
5 this meeting with Nuon Chea took place in late 1977, that Hang  
6 was arrested not long after that meeting, Mr. President, document  
7 E3/342, which is the OCP revised S-21 prisoner list, indicates at  
8 number 220 on that list that Bou Phat alias Hang, Secretary of  
9 Sector 103, entered S-21 on the 3rd of January 1978.

10 And at this time I would like to refer the witness-

11 MR. PRESIDENT:

12 Mr. Witness, please wait.

13 The Counsel for Nuon Chea, you may proceed.

14 [11.08.19]

15 MR. KOPPE:

16 Thank you, Mr. President. I'm not quite sure what the addition of  
17 this evidence has for meaning.

18 We are here questioning the witness and we are here not  
19 presenting evidence. So the purpose of saying something for the  
20 record and suggesting a causal link between this meeting and the  
21 arrest of this person is, at this stage of the trial proceedings,  
22 uncalled for.

23 So I move to ask the Trial Chamber to strike this particular part  
24 from the record.

25 MR. LYSAK:

1 If I may respond, Mr. President, this is something we've done  
2 before. This objection has been made before, and the Court ruled  
3 that where we have relevant documents that relate to the subject  
4 matter - that this is the appropriate time to notify the Court of  
5 them.

6 This is a document that corroborates the witness's testimony and  
7 establishes the timing of the events that he's discussed. That's  
8 the reason for putting it on the record, and this is something  
9 that has been done in the past. This objection has been made  
10 before and overruled.

11 (Judges deliberate)

12 [11.10.22]

13 MR. PRESIDENT:

14 In fact, the Chamber has allowed this kind of questioning and the  
15 presentation of the evidence, and we have actually refused such  
16 an objection by the defence counsel previously.

17 The Prosecution, you may continue with your questioning.

18 BY MR. LYSAK:

19 Thank you, Mr. President.

20 Q. At this time, I'd like to read to the witness a letter or  
21 statement that was written by Sector 103 Secretary Hang on the  
22 morning of 5 January 1978, immediately following his arrest. This  
23 is a statement in which he requests the Party leaders to release  
24 him and indicates that he's not a traitor.

25 The document is E3/2470, and the specific references that I will

1 read are from: Khmer, 00296593 through 296594; English, 00768226  
2 through 27; and French, 00842846 through 47.

3 [11.12.02]

4 In this document, Hang wrote - quote:

5 "My dearest, respected, and beloved Party and my dearest,  
6 respected, and beloved brothers who are the Party leaders, I  
7 would like to ask you, the dearest, respected, and beloved Party  
8 and brothers, to find justice for me, please. I have never had  
9 any thought, even a tiny one, about betraying the Party. I have  
10 never joined in any discussions with any traitors of those  
11 strings. [...] the Party reviews my background and sees that I am  
12 not a traitor, please the Party spares my life..."

13 And in the immediate preceding paragraphs, Hang addresses the  
14 possible reasons for his mistaken arrest and states - quote:

15 "During the first assembly of Zone 801, Brother Number Two came  
16 to preside over it. In the meeting, when brother mentioned about  
17 the loss of tens of thousands of metres of electrical wire, I was  
18 worrying and thinking that brother might be upset and suspicious  
19 of me about that. Also, during this year's training, when brother  
20 spoke about the economizing idea, brother said why the sawmill  
21 machine often stopped working unexpectedly. While saying that,  
22 brother was glancing at me. [...]

23 "But, although I was scared by these, I never had any thought at  
24 all that I would be arrested by the Party on the traitorous  
25 charge."

1 [11.13.54]

2 Mr. Witness, in this document, Hang refers to a "first assembly  
3 of Zone 801". The meeting that you have just described for us  
4 that Nuon Chea attended, was it a meeting that was referred to as  
5 the first assembly of Zone 801?

6 MR. PROM SOU:

7 A. I do not know about that. In fact, the meeting was not among  
8 the zone committee, but the meeting was held for all those  
9 leadership level at the sector regarding the appointment of the  
10 zone.

11 Q. Can I ask you, the meeting that you attended with - where Nuon  
12 Chea was present, did Hang attend that meeting?

13 A. As I recall it, all the former cadres of Sector 103 were  
14 present, including Hang, and all the representatives of various  
15 offices within Sector 103 participated.

16 Q. I want to turn now to a few more communications that ensued in  
17 the first part of 1978.

18 The first is document E3/918 - E3/918. This is a telegram that  
19 was sent by zone secretary Sae to Committee 870, copied to  
20 "Uncle, Uncle Nuon, Brother Van, Brother Vorn, Brother Khieu,  
21 Office, and Archive", which is dated the 10th of January 1978,  
22 approximately one week after the arrest of Hang. And in this  
23 document, Sector 103 is discussed in the last three paragraphs.

24 [11.16.45]

25 Let me read to you an excerpt from the second last paragraph,

1 where Sae reported to the leaders in Phnom Penh as follows -  
2 quote:

3 "According to the presentation of comrades from the commune  
4 during the study session, it was made known that: this year, in  
5 Preah Vihear Sector, in the majority of places there is  
6 starvation because there were only large quantity of  
7 transplantation but no quality, which was as a result of poor  
8 harvest." End of quote.

9 Can you describe for the Chamber your recollection of the problem  
10 of starvation in Sector 103 in the time period of January 1978?

11 A. To my knowledge, in late 1977 or early 1978, I, in fact, went  
12 to the forest to herd the cattle there. For that reason, I could  
13 not attest to the situation at the base regarding the arrest of  
14 the cadres or the combatants who were then sent to Siem Reap.

15 [11.18.29]

16 While I was at the base, however, though I was herding the  
17 cattle, I could observe some situations. In fact, since the  
18 beginning, in Preah Vihear province, there had been no starvation  
19 at all. Of course, sometimes there was a mere shortage of rice in  
20 some districts, but then they were assisted by the supply from  
21 other districts. And, of course, when there was a shortage of  
22 rice, sometimes people ate potato to replace the rice shortage.  
23 That's the real situation that I knew; and beyond that, I could  
24 not say anything.

25 Q. You told us a few minutes ago that Nuon Chea talked about

1 increasing rice production from 3.5 hectares per acre to 7  
2 hectares per acre (sic). Based on your experience in Preah  
3 Vihear, was it feasible or possible to produce 7 hectares of rice  
4 per hectare – I'm sorry, 7 acres of rice per hectare?

5 A. Through my observation regarding the production of 7 tonnes  
6 per hectare, it could only be achieved for the double harvest  
7 seasons, with the support of building the dam. Without the water  
8 from the dam, that goal could not be achieved.

9 [11.20.30]

10 Good rice production sometimes assisted in Kuleaen district, in  
11 Chhaeb, or Chey Saen; they could achieve about 3 tonnes per  
12 hectare. But in the area where I worked, we harvested twice per  
13 year and we almost reached the goal. But the thing is the area  
14 there was quite a highland area; it was different from the areas  
15 in Kuleaen or Banteay Meanchey. So we could not achieve that  
16 goal. And some villagers could only harvest once per year, so the  
17 output is not that great.

18 And another dam in Au Damlok (phonetic) was built, but the  
19 irrigation from that dam was not yet operational. There was  
20 another dam in Tumnob district.

21 So, for certain districts, when they could harvest twice per year  
22 with sufficient fertilizer, they could achieve that goal.

23 [11.22.01]

24 Q. In the same report that I was just referring you to, the 10  
25 January 1978 telegram from Sae to Committee 870, E3/918, in the

1 last paragraph of the report, Sae discusses plans to go to Sector  
2 103. He indicates that he has appointed a person named Comrade  
3 Bun Chan as his assistant at Sector 103, and he then reports to  
4 the leaders in Phnom Penh that when he goes to Sector 103 – quote  
5 – "I will send more crocodiles to the organization, please  
6 receive them" – end of quote.

7 Based on the language and expressions that were used at the time,  
8 can you explain what was meant by the reference to "crocodiles"  
9 that would be sent to the organization?

10 A. I did not know about the existence of this document nor about  
11 the crocodile matter. I do not understand that issue.

12 Q. I'd like to ask you a few questions about another document,  
13 which is E3/1077 – E3/1077. This is a 10 April 1978 telegram from  
14 zone secretary Sae to Committee 870, also copied to "Uncle, Uncle  
15 Nuon, Uncle Van, Uncle Vorn".

16 [11.24.15]

17 And the first section of this report to Committee 870 discusses  
18 the enemy situation and includes the following statement – quote:

19 "The base of the traitors is on Dangrek Mountain. We have a plan  
20 to search and destroy it. The In Tam group previously used the  
21 traitors in Sector 103 whose leader was A Hang. He was their  
22 supporter. But after we arrested Hang and all of his henchmen in  
23 Choam Khsant district and in Sector 103 military unit, the In Tam  
24 group has no more support."

25 My question for you is: Can you tell the Chamber who In Tam was?

45

1 A. As I understand, In Tam was the Sereika group at the Prasat  
2 Preah Vihear. And the Prasat Preah Vihear was, in fact, liberated  
3 in July. And from the liberation - that is, after 1975 - there  
4 was no longer the In Tam group, only the remnants of the forces,  
5 who stayed in various villages, but there was no concentrated  
6 force along the Dangrek Mountain. But, in fact, before 1975 -  
7 before the liberation, yes, sometimes they engaged in activities.

8 [11.26.17]

9 MR. LYSAK:

10 The last document I would like to ask the witness about, Mr.  
11 President - and this document I would like to present to him to  
12 see if he recognizes the names that appear on the cover page of  
13 the document. This is E3/175, which is a colour copy, and also  
14 E3/3563 - E3/3563 - which is a complete version of the same  
15 document.

16 If I can present these to the witness with your leave, Mr.  
17 President, I would like to see if he can identify the people who  
18 are referenced in the document.

19 MR. PRESIDENT:

20 Yes, you may proceed.

21 Court Officer, could you deliver the hard-copy document from the  
22 Prosecution for the witness examination?

23 [11.27.40]

24 BY MR. LYSAK:

25 Q. Well, Mr. Witness, the part of the document I want to refer



1 you to is the cover letter, which is a letter - hand-written  
2 letter from zone secretary Sae to Committee 870, dated the 17th  
3 of April 1978, which reads as follows:

4 "Respected and Beloved Committee 870,

5 "I would like to send the responses of:

6 "1. San Eap, alias Khon, Commerce, Sector 103, in Phnom Penh; and

7 "2. Seuy, alias Phang, Security, Sector 103, for the Committee's

8 review and to serve as documents for researching embedded

9 traitorous networks burrowing from within."

10 An annotation on the left-hand margin of the document states:

11 "Follow up".

12 The document that is included with the cover letter is the

13 confession of the cadre named San Eap alias Khon, who is

14 identified as a Sector 103 Commerce cadre based in Phnom Penh.

15 Can you tell us, did you know this person?

16 [11.29.04]

17 MR. PROM SOU:

18 A. I don't know the native name of this person, but I know the

19 alias Khon. Khon, in fact, worked with Comrade Penh.

20 Q. And was Khon someone who worked at the Sector 103 Commerce

21 Office in Phnom Penh or did he work in Preah Vihear?

22 A. Before, he was in Preah Vihear. Later he came to Phnom Penh.

23 Q. My last question to you, Mr. Prom Sou, before I turn over to

24 the civil parties. In this document, number 37 of - the list of

25 persons at the end of San Eap's confession that was sent to

47

1 Committee 870 lists you, Sou, Commerce member, Sector 103.

2 And my question for you is simply: Were you ever informed by your  
3 superiors that you had been implicated by Khon or by any other  
4 Sector 103 cadres?

5 A. After Hang had been arrested, I had to stay in the forest and  
6 I had no knowledge of the list. But I'm familiar with these  
7 names, the names mentioned in the list, including persons by the  
8 name of Fa and Doeun. That's all.

9 [11.31.31]

10 MR. LYSAK:

11 That is all the questions I have. Thank you, Mr. Prom Sou, very  
12 much for your time.

13 Mr. President, we have no further questions.

14 MR. PRESIDENT:

15 Thank you.

16 We would like to now hand over to the Lead Co-Lawyers for the  
17 civil parties to put questions to the witness. You may proceed.

18 QUESTIONING BY MR. PICH ANG:

19 Thank you, Mr. President.

20 For the remaining time, we would like counsels Beini Ye - Counsel  
21 Beini Ye to put some questions to the witness.

22 But before that, allow me to introduce myself. I am Pich Ang, the  
23 Co-Lead Lawyer for the civil party. And very good morning, Mr.  
24 Prom Sou.

25 [11.32.31]

1 Q. I would like to have a question for you, first, regarding the  
2 event in Stueng Saen, in Kampong Thom. You said people were  
3 transported by boat. How many boats were engaged in transporting  
4 them those days?

5 MR. PROM SOU:

6 A. I don't remember having known how many boats were used to  
7 transport these people or how often they would transport them. I  
8 was in charge of distributing only materials and supplies for  
9 these evacuees from the Commerce Section.

10 Q. Thank you. You said that about 3,000 people were evacuated  
11 from Phnom Penh. Do you remember the age groups of these  
12 evacuees?

13 A. People were from different age groups - there were adults,  
14 elderly people, young children - and I can say that they were  
15 from all walks of life and, indeed, a mixture of people of  
16 different age groups.

17 [11.34.21]

18 Q. Thank you. Can you tell the Chamber, please, upon arriving  
19 Kampong Thom, did you see these evacuees already had arrived  
20 before you came to receive them?

21 A. These evacuees came to Kampong Thom on several occasions.  
22 Indeed, the first time I went to receive them, there were only  
23 some of them, and then people kept coming, and we had to  
24 distribute the supplies subsequently.

25 Q. When your group arrived Kampong Thom to distribute the supply

1 to these people, what was your impression regarding the food that  
2 these people had? Was it enough?

3 A. When I saw them, there was not plenty food - plenty of food  
4 available to them, but there was decent food, and we had to  
5 supply them with more food. And food could be found from the  
6 river. For example, fish could be caught to feed these people.

7 [11.36.31]

8 Q. I apologize; perhaps I did not make myself clear, that's why I  
9 haven't received your response to my question.

10 My question is: During the time when they were waiting to be  
11 received by your group, did the evacuees have enough food to eat?

12 A. So far as I know, there was no lack of food, because these  
13 evacuees were better off than the local villagers in Kampong Thom  
14 during the time of the evacuation. That's what I felt.

15 Q. How long would it take for these people to be evacuated all  
16 the way from Phnom Penh to Kampong Thom provincial town? And how  
17 long did it take for you and your group to transport them to  
18 their respective locations after Kampong Thom?

19 A. From Phnom Penh to Kampong Thom through boat would take some  
20 time. But how long it would take, I don't know. They were  
21 received at Stueng Saen Hotel, where they would be further  
22 transported to Rovieng district.

23 [11.38.48]

24 If our trucks did not break down halfway - midway, for example,  
25 it would take us one full day to transport them from this hotel

1 to Rovieng district. The roads condition after 1975 was not very  
2 bad, so we could travel by truck, transporting these evacuees.  
3 Although - there would be parts of the roads that were not very  
4 good, but in general the condition of - the roads were acceptable  
5 for transporting the evacuees.

6 Q. Were evacuees who were being transported to Rovieng classified  
7 into different groups or types?

8 A. In Sector 103, no classification of people would have been  
9 made because they were well assisted and they were placed to live  
10 together with the Base People. And I could see an atmosphere of  
11 harmony was in place. People - the New People, the Base People  
12 could live together in a harmonious way. So, when they fell ill,  
13 then they would be helped by one another; and when food was not  
14 enough, then they would be assisted by the Commerce Section. And  
15 there was no difficulty at all.

16 [11.41.06]

17 Q. I have a final question about this evacuation, again, and this  
18 last question is: What was your impression regarding the  
19 livelihood of the evacuees, the time when you saw them at Kampong  
20 Thom and have it compared with the condition you noted when they  
21 were transferred to Rovieng cooperatives? So my question is more  
22 about your feeling about the living condition. Was it different  
23 the first time you saw them and two years after?

24 A. For those evacuees who were not sick during the time of the  
25 evacuation, they had no big problem; they were more like Base

1 People. And in – the problem was only seen in one of the  
2 incidences where a group of people were transported to a new  
3 village, a completely new established village where these people  
4 were placed helplessly and they encountered a lot of hardship  
5 there. That's the only incidence.

6 Q. Thank you, Mr. Witness. I believe that with that I have the  
7 very final question, please, before I hand over to my colleague.  
8 [11.43.07]

9 You said that Sector 103 was an autonomous sector. If we compare  
10 Sector 103 to other sectors with the Centre, can you say why  
11 Sector 103 named autonomous sector?

12 A. Sector 103 was an autonomous sector that is not answerable to  
13 the Centre – or, rather, not answerable to the zones like other  
14 sectors, for example Sector 106. Sector 103 was directly  
15 responsible to the Centre. For other sectors, they had to report  
16 to the zones and then to the Centre. So I think this is the  
17 simplest explanation why Sector 103 was autonomous.

18 MR. PICH ANG:

19 Thank you, Mr. Witness, again.

20 And thank you, Mr. President and Your Honours. With that I would  
21 like to cede the floor over to counsel Beini Ye.

22 QUESTIONING BY MS. YE:

23 Thank you.

24 Good morning, Your Honours. Good morning to everyone in and  
25 around the courtroom.

1 Good morning, Mr. Prom Sou. My name is Beini Ye, I'm one of the  
2 international civil party lawyers and I just have five minutes to  
3 ask you very few questions.

4 [11.45.04]

5 Q. My first question is following up on what Mr. Ang just asked  
6 you. You said that the people from Phnom Penh encountered  
7 hardship only when they were transferred to this new village  
8 where they had to - where they had to do plantations. Can you -  
9 can you tell us why only the New People from Phnom Penh were  
10 transferred to this new village, and not the Base People?

11 MR. PROM SOU:

12 A. Ninety-eight per cent of the evacuees were placed in the old  
13 village, but experience - it was part of the experiment by the  
14 Khmer Rouge to start the new place where people could be made to  
15 live, and it was part of the trial. For example, they would like  
16 to place these New People in the new areas to see whether these  
17 people could live there or not. But after they experienced some  
18 hardship, these people were transferred back to live in the  
19 normal cooperatives.

20 [11.46.37]

21 Q. Thank you. And you also said that the people from Phnom Penh  
22 had to leave Phnom Penh because of security issues.  
23 My question is: Did you see any people from Phnom Penh go back -  
24 from Sector 103 back to Phnom Penh - in any point of time during  
25 Democratic Kampuchea?

1 A. During the Democratic Kampuchea, evacuees would not be allowed  
2 to return to Phnom Penh. For example, during this period, people  
3 who were evacuated to Preah Vihear never returned to Phnom Penh  
4 until 1979 – or after 1979, when a huge number of them returned  
5 to Phnom Penh. But some remained in Preah Vihear because they got  
6 used to living there already.

7 Q. Thank you.

8 And now my last question concerns the Cambodian students who came  
9 back from abroad and who were sent to Sector 103 from Phnom Penh.  
10 Do you know why these students were sent to Sector 103 from Phnom  
11 Penh?

12 A. For those people who belonged to the petty bourgeoisie and  
13 other classes, they do not – did not belong to the peasant class;  
14 they would be asked to go and live with the villagers so that  
15 they can learn from how people live their life in the paddy  
16 fields.

17 [11.48.59]

18 MS. BEINI YE:

19 Thank you very much. I have no further questions, Mr. Prom Sou,  
20 and I wish you a good journey back home.

21 MR. PRESIDENT:

22 Thank you.

23 Thank you, Mr. Witness. Your testimony is not yet complete, and  
24 we would like to adjourn the session, but we would like to hear  
25 your testimony again tomorrow morning, at 9 a.m. Mr. Prom Sou, as



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1 I already indicated, we are going to hear your testimony again  
2 tomorrow, and you are now invited to come back to the courtroom  
3 at 9 a.m. tomorrow.

4 Court officer is now directed to assist with WESU to ensure that  
5 Mr. Prom Sou is properly assisted during this adjournment and  
6 that he is returned to the courtroom by tomorrow, at 9 a.m.

7 [11.50.09]

8 And the Chamber wishes to inform the parties and the public that  
9 during this afternoon's sessions, the Chamber will be hearing  
10 TCW-277 through video-link, where the witness is testifying from  
11 France. This session will commence from 1.30 p.m. until 5 p.m.  
12 Security personnel are now directed to bring Mr. Khieu Samphan to  
13 his holding cell and have him returned to the courtroom at 1.30.  
14 The Court is adjourned.

15 (Court recesses from 1150H to 1330H)

16 MR. PRESIDENT:

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

18 As we indicated this morning before the break, for this afternoon  
19 session we will hear the testimony of the witness TCW-277,  
20 through videoconferencing from France.

21 Mr. Dav Ansan, is the videoconferencing been set up?

22 THE GREFFIER:

23 Mr. President, the technical team reports that the linkage has  
24 been set up and the witness is awaiting the Trial Chamber's call.

25 MR. PRESIDENT:

1 Thank you.

2 Good afternoon, Mr. Witness.

3 MR. JULLIAN-GAUFRES:

4 Good afternoon, Mr. President.

5 QUESTIONING BY THE PRESIDENT:

6 Thank you, Mr. Witness.

7 Q. Could you tell us your full name?

8 MR. JULLIAN-GAUFRES:

9 A. Mr. President, My name is Philippe Jullian-Gaufres. I was born  
10 on the 24th of February 1930, in France.

11 [13.32.51]

12 Q. Thank you, Mr. Philippe Gaufres.

13 As a witness to testify before this Trial Chamber, you are  
14 required to take an oath or affirmation, based on your religion.

15 Do you consent to that?

16 A. Yes, I wish to provide an oath.

17 Q. Thank you.

18 Ms. Miriam Mafessanti, could you please lead the witness to take  
19 an oath based on his religion?

20 THE GREFFIER:

21 Mr. Witness, would you please repeat after me?

22 MR. JULLIAN-GAUFRES:

23 I shall.

24 THE GREFFIER:

25 "I solemnly declare that I shall speak the truth-"

1 MR. JULLIAN-GAUFRES:

2 Pardon me. I solemnly declare that-

3 THE GREFFIER:

4 "-that I shall speak the truth, the entire truth, and nothing but  
5 the truth."

6 MR. JULLIAN-GAUFRES:

7 -that I shall speak the truth, the entire truth, and nothing but  
8 the truth.

9 [13.34.29]

10 BY THE PRESIDENT:

11 Thank you.

12 Q. Mr. Philippe Gaufres, based on the report by the greffier this  
13 morning, to the best of your knowledge and ability, you have no  
14 relationship by blood or by law to any of the civil parties in  
15 this case, nor to any of the two accused, that is Nuon Chea and  
16 Khieu Samphan; is that correct?

17 MR. JULLIAN-GAUFRES:

18 A. Mr. President, that is correct.

19 [13.35.08]

20 Q. Thank you.

21 We would like now to inform you of your rights and obligation as  
22 a witness.

23 Mr. Philippe Gaufres, as a witness before this Chamber, you may  
24 refuse to respond to any question that might incriminate you. As  
25 for your obligation as a witness to testify before this Court,

1 you must respond to all the questions put to you by any of the  
2 parties or Judges of the Bench, and you must only speak of the  
3 truth that you have heard, have known, have experienced, or  
4 recalled directly related to the events concerning the questions  
5 put to you by Judges of the Bench or any of the parties. Do you  
6 understand that?

7 A. Yes, Mr. President.

8 [13.36.17]

9 Q. Thank you.

10 Have you been interviewed by the Office of the Co-Investigating  
11 Judges of the ECCC?

12 A. No, Mr. President, I have not been interviewed previously.

13 MR. PRESIDENT:

14 Thank you.

15 As this witness is the witness requested by Khieu Samphan's team,  
16 he - the team, Khieu Samphan's team I mean - would have the -  
17 will be given the floor first to put questions to this witness.  
18 You have one hour and 15 minutes to do so, and likewise for the  
19 Prosecution, and the Lead Co-Lawyers. You would have one hour and  
20 15 minute time allocation for this witness. You may proceed.

21 QUESTIONING BY MR. VERCKEN:

22 Thank you, Mr. President.

23 Good afternoon, Mr. Jullian, my name is Arthur Vercken. I am one  
24 of the lawyers representing Mr. Khieu Samphan.

25 Q. To begin, I wish to inform the Chamber of your academic and

1 professional background. Obviously, I will be providing the broad  
2 outlines of your academic qualifications.

3 [13.38.04]

4 MR. JULLIAN-GAUFRES:

5 A. I pursued my studies at the École des hautes études, the  
6 Business Management School, in Paris. I was also a student at the  
7 National School of Oriental Languages. I worked in banks and I  
8 also worked in the Far East between 1955 and 1956. I returned to  
9 France and as I had met many students from the Far East and  
10 students from Cambodia during my business studies, I decided to  
11 return to Cambodia to work. So upon my return to France I decided  
12 to enrol in courses at the National School of Oriental Languages,  
13 and I learned to speak, read, and write the Cambodian language. I  
14 graduated from that school in 1960. That is my educational  
15 background.

16 In addition to my degree, I was also employed in several French  
17 and Cambodian businesses and I worked in Cambodia, and I was able  
18 to find work in the multi-national company, Air Liquide, and I  
19 worked in Cambodia as the managing director of the subsidiary of  
20 the international group Air Liquide.

21 [13.39.38]

22 I also working in Malaysia and Thailand, then I returned to  
23 France where I continued my career with Air Liquide, and I was  
24 also Managing Director there. When I retired some 20 years ago, I  
25 joined an NGO, and that is dedicated to providing technical

1 assistance to emerging and developing countries; and in that  
2 non-governmental organization I am responsible for relations with  
3 the Far East. My relationship with the Far East had begun a very  
4 long time ago. I studied civilization and culture of the Far  
5 East, which was of great interest to me, as I found it to be a  
6 significant contrast to the values here in France; and as I said,  
7 it was just after the war. The United States was considered as a  
8 model. However, I personally found inspiration in the oriental  
9 and Asian culture and civilization.

10 Q. Thank you very much.

11 You stated that your first trip to Cambodia took place in 1955,  
12 1956. Can you please be specific and tell us what brought you to  
13 Cambodia during those years?

14 [13.41.40]

15 A. I completed my military training in the French Navy. I spent  
16 two years in Europe and one year in the Far East, and it was  
17 during 1955, 1956, shortly after the signing of the Geneva  
18 Accords and I was sent there to resolve certain issues in the Far  
19 East. I was based in Saigon, in Vietnam. I undertook a certain  
20 number of missions in Cambodia, and in Hong Kong, and in the  
21 Philippines. I therefore, made three trips, first in my capacity  
22 as a soldier, following that in my capacity as a private citizen.

23 Q. Thank you, sir. You stated that you returned to Cambodia in  
24 your capacity as General Manager for the multi-national group Air  
25 Liquide. Can you please tell us what that company does and the

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1 kind of activities that it carried out in Cambodia?

2 A. Air Liquide is an industrial group that was established in  
3 1902, some 110, 112, years ago. Its main mission is the  
4 manufacturing of industrial gases and medical gasses, such as  
5 oxygen, hydrogen, argon. It also produces material for the  
6 production of those gases.

7 [10.43.24]

8 Air Liquide was the first world multi-national group based on its  
9 profits alone. In Cambodia it had several production units for  
10 the manufacturing of oxygen, as well as carbonic substances, and  
11 other medical substances such as peroxide, etc.

12 Q. And over the course of your work for the multi-national Air  
13 Liquide, while you were based in Cambodia, were you residing in  
14 this country; and if so, during which period?

15 A. When I first applied for a position within Air Liquide, I did  
16 mention that I very much wished to be assigned to Cambodia, and  
17 at the time Air Liquide was in the midst of broadening its  
18 activities in the country by establishing a new factory and  
19 launching a new company called SOKOA, which was held 25 per cent  
20 by the Cambodian government, 49 per cent by Air Liquide, and 26  
21 per cent by private individuals, mostly Cambodians. I was the  
22 Managing Director. The president of the company was designated by  
23 the Cambodian government. I, therefore, served under Mr. Son  
24 Voeunsai, who had studied in France.

25 [13.45.32]

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1 Q. Mr. Jullian, pardon me for interrupting you. Unfortunately, I  
2 don't have much time at my disposal. Therefore, some of the  
3 details that you are providing are rather superfluous. So I have  
4 to interrupt you there. I want to just return to the period when  
5 you were assigned in Cambodia and working for Air Liquide.

6 A. I was there in 1955 to 1956, as well as in 1957, and then I  
7 returned to Cambodia in mission in 1974 for the period of one  
8 month, approximately.

9 Q. Can you please tell the Chamber if today you have still active  
10 in any business relations or other relations in Cambodia or the  
11 Far East?

12 A. My main relation with Cambodia is through my wife. When I was  
13 in Cambodia I married a Cambodian woman. We have four children.  
14 My wife and I have travelled to Cambodia over past years. But in  
15 my capacity as a volunteer for the NGO, my activity is focused  
16 mainly on China, and therefore, my work for the non-governmental  
17 organization is mostly to do with China. And through my wife I do  
18 maintain several contacts with Cambodians who are either in  
19 France, living in France, or travelling through France.

20 [13.47.33]

21 Q. Thank you. I wish to turn now to the genesis of your interest  
22 for Cambodia. Perhaps you can tell the Chamber how you came to  
23 deepen your knowledge of the country when you were pursuing your  
24 studies in France at the School of Oriental Languages?

25 A. I'll have to move back a bit further and start with my studies



1 at the business school where I first came into contact with  
2 Cambodian students, and in my graduating class there were two  
3 Cambodians. Now, I will attempt to be brief.

4 After 1955, after my return from Cambodia, I came to the decision  
5 of wanting to move to Cambodia and therefore, I signed up for  
6 language courses which were mainly literature courses and  
7 conversation courses, and I was assisted by Cambodian students  
8 who were in Paris. I was, therefore, assisted by the Khmer  
9 Students' Union, which at the time was presided over by Mr. Khieu  
10 Samphan. I asked him to put me into contact with one or two  
11 Cambodian students who were living in Paris and with whom I could  
12 exchange and practice conversational skills, and which would  
13 allow them in turn to improve their French through our  
14 conversations.

15 [13.49.34]

16 Q. And when did the encounter with Mr. Khieu Samphan occur in  
17 Paris?

18 A. That meeting took place at the Cité universitaire, at the  
19 student residence in 1957 when I began my language courses -  
20 perhaps at the end of 1957 or at the start of 1958. My memory is  
21 not totally clear.

22 Q. Can you please tell the Trial Chamber what happened  
23 afterwards, aside from the first encounters with Mr. Khieu  
24 Samphan? If you met him again, during the years that followed?

25 A. When he was in Paris, I had the opportunity to meet Mr. Khieu

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1 Samphan during certain demonstrations that had been organized by  
2 the student body organization that he was in charge of. I also  
3 had private meetings with him, because as I sought to move to  
4 Cambodia, and I knew that he was writing a thesis on economics  
5 and I was working in the industry, I thought it was rather useful  
6 and constructive for me to engage in conversations with him.

7 [13.50.51]

8 I went to Cambodia in 1971--

9 Q. I must interrupt you. In order for your testimony to be  
10 absolutely clear, let us focus on the French period. You've just  
11 stated that you met Mr. Khieu Samphan at the Cité universitaire,  
12 at the university, and you met him there on several occasions and  
13 that you held several conversations with him on the topic of  
14 economics; is that correct?

15 A. Yes, that is correct. They weren't really conversations. It  
16 was during a symposium that was organized in the month of March  
17 1959, and at that symposium there were invited representatives  
18 from the former French territories of Indochina. There was a  
19 Vietnamese person, a Laotian person, and a Cambodian  
20 representative who was Khieu Samphan. The theme, the subject of  
21 that symposium was foreign investment and local investment in  
22 each of those countries. Therefore, each of the representatives  
23 spoke on behalf of their countries.

24 [13.52.21]

25 Q. On the case file there is a written testimony that you have

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1 written and signed. It is under E190/1.5, 2.5 rather. And  
2 attached to this written testimony there are several annexes,  
3 including handwritten notes. They are entitled, "Notes taken  
4 during Mr. Khieu Samphan's presentation on foreign investment in  
5 the former French colonies organized in Paris", the 3rd of March  
6 1959. Are you indeed the author of those notes?

7 A. I am indeed the author of those notes, and I'm rather  
8 surprised to see that I was - I managed to retrieve them.

9 Q. Were you able to read them recently?

10 A. Yes, I was able to re-read those notes.

11 Q. And how would you describe - based on your memory and based on  
12 your re-reading of these notes, how would you describe the  
13 contents of those notes? What kind of thesis was being expanded  
14 upon by Mr. Khieu Samphan during that presentation on investments  
15 in Cambodia?

16 [13.53.49]

17 A. He talked mainly about the transformation of a colonial type  
18 economy, whereby a foreign country brings in material and - or  
19 exploits the local commodities in order to manufacture finished  
20 products. And therefore, his thesis was on the country's  
21 resources, Cambodia's main industries, which were wood, rubber,  
22 agriculture. According to Mr. Khieu Samphan, it was necessary to  
23 develop the industry in order to foster valorisation and promote  
24 the local Cambodian economy. He also talked about State  
25 intervention. However, he did not talk about absolute and total

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1 intervention, as he made very specific that instilling fear in  
2 foreign investors had to be averted. It was important for the  
3 industrialization of the country and building necessary  
4 infrastructure to support development. I remember seeing in my  
5 notes that Mr. Khieu Samphan concluded his presentation by saying  
6 that he wished for the economic independence for Cambodia, and  
7 not autarky.

8 That, in summary, is what the presentation was about.

9 [13.55.42]

10 Q. Indeed, sir. We have a photocopy of those notes. I will  
11 provide the ERN numbers for the purposes of the record. In French  
12 they are 00809334; in Khmer, 00907771; and in English, 00911422.  
13 With respect to foreign investment, I would draw attention to one  
14 of the pages of your handwritten notes. You write, "State  
15 monopoly may discourage private capital." And further on, on the  
16 half page of your written notes, the last sentence reads as  
17 follows, "Autonomy, independence and not autarky." This,  
18 therefore, confirms what you have just said about Mr. Khieu  
19 Samphan's remarks made on the 3rd of March 1959. Is this correct?

20 A. Yes, that is correct.

21 [13.57.16]

22 Q. Was the substance of Mr. Khieu Samphan's public presentation a  
23 reflection of some of the private conversations that you may have  
24 had with him, or that you stated to have with him?

25 A. Absolutely. The only difference being that the symposium was

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1 dedicated to investments, the topic of investments. However, in  
2 private conversation, Mr. Khieu Samphan talked extensively about  
3 social issues. He said that the economy had to be developed,  
4 however, simultaneously there had to be an improvement of the  
5 standard of living of Cambodians and, in particular, the standing  
6 of living of peasants. I had other conversations with him on that  
7 very topic when I was in Cambodia; perhaps something that we can  
8 visit later on.

9 Q. Over the course of the conversations that you had with Mr.  
10 Khieu Samphan in France, and during the March symposium, did you  
11 ever talk about the abolition of private property, or the  
12 prohibition to own private materials, or the use of currency?  
13 What kind of statements or ideas did Mr. Khieu Samphan share?

14 [13.59.06]

15 A. I do not remember.

16 MR. PRESIDENT:

17 (No interpretation)

18 JUDGE LAVERGNE:

19 Yes, thank you, Mr. President.

20 Counsel Vercken, please, can you stick to have a bit of a time  
21 gap between the questions and the answers because it's very  
22 difficult for the interpreters to latch on? So it might be good  
23 to stand by this rhythm.

24 And your volume is very high and the volume coming from the video  
25 link is very low, so all of this makes things, technically

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1 speaking, a bit difficult for the interpreters. So I'd like  
2 simply to draw your attention on that. Thank you.

3 MR. VERCKEN:

4 Yes, yes. I also deafen myself a little bit.

5 Well, Your Honour, is there maybe one segment that was not  
6 properly translated that I should get back to?

7 JUDGE LAVERGNE:

8 Not as far as I remember. I'm just trying to warn you for the  
9 rest of this examination.

10 [14.00.26]

11 BY MR. VERCKEN:

12 I'll pay attention to this. Thank you.

13 Q. So if you had to summarize in a few words the kinds of  
14 statements that were made back then by Mr. Khieu Samphan, how  
15 would you go about this? Did he – were his statements rather left  
16 leaning, you would say, or was he more middle ground? What was  
17 your impression of Khieu Samphan's statements back then?

18 MR. JULLIAN-GAUFRES:

19 A. I would say that what he was saying was not revolutionary, but  
20 however, back then – that is to say, more than 60 years ago – it  
21 was rather innovative. But I would say in today's terms, in  
22 regard to French political parties, I would say that it was more  
23 socialistic in leaning.

24 [14.01.43]

25 Q. So – now let me turn to the period when you settled in

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1 Cambodia. You said that this happened in 1961 and that you  
2 remained in Cambodia on a regular basis until 1966, and then  
3 later on you went there on more punctual missions. So could you  
4 tell us if during this period from 1961 until 1966, and then up  
5 until 1974, if I'm correct; can you tell us if you saw Mr. Khieu  
6 Samphan again in Cambodia?

7 A. Yes, I saw him in Cambodia upon several occasions between 1961  
8 and 1966, and I saw him again because I went to see him at his  
9 home, and I got to know his mother and his brothers, and we met  
10 upon several occasions. And once, in fact, I had invited him to  
11 come visit the factory I was in charge of, and then he made a  
12 little speech then for the staff at the factory, and the factory  
13 workers very much appreciated it, and my staff thanked me for  
14 having invited him. And Khieu Samphan, who was a parliamentarian  
15 then, had become Minister of Commerce then.

16 [14.03.50]

17 Q. And, basically speaking, what was the substance of this speech  
18 he made?

19 A. Well, the substance of this speech, I don't know it because he  
20 had given this speech in Khmer. My knowledge of Khmer was not  
21 sufficient back then to understand a political or economic speech  
22 of that nature. But through conversations that I had had before  
23 and afterwards, I know that he was very much interested in social  
24 issues, in the standard of living of the people; and he wanted  
25 the peasants to sell their produce at acceptable prices; and he

1 wanted them to obtain credits easily with reasonable interest  
2 rates, which was not the case back then; and he also wanted  
3 people to take into account health issues, education, training.  
4 And I also know that he defended the interests of the people from  
5 the area he had been elected and he tried to protect them from  
6 abuse, or from abusive behaviour from rich traders; and he also  
7 wanted to fight against corruption and against abuse of power.

8 [14.05.39]

9 Q. So does all of this correspond to conversations that you might  
10 have had with him in French back then?

11 A. Yes. What I said, of course results from discussions I had had  
12 with him, either at his home, at the factory, or elsewhere.

13 Q. And you have just said that during this period, that is to say  
14 between 1961 until 1966, you had been invited at Khieu Samphan's  
15 home. Can you give us some details about Khieu Samphan's  
16 lifestyle back then, the way that he was housed, the way that he  
17 would move about, that he would--

18 A. Well, his lifestyle was very modest. When I went to Cambodia  
19 in 1961, I went to visit him and he was living with his mother in  
20 a very small house on stilts, built out of wood, covered with  
21 wood shingles; and a few years later he moved and he moved to a  
22 very modest apartment in brick, however. Even though he - and  
23 while he was Minister of Commerce he didn't use a bike to - as  
24 transportation, but he used a car, but it was a second hand car  
25 only. That was very, very modest and his lifestyle was always



1 very, very, very simple.

2 [14.07.45]

3 Q. In your professional activities at Air Liquide during those  
4 years, did you ever – were you ever led to interact with the  
5 Cambodian political class?

6 A. Yes, because first of all, the president of my company had  
7 been appointed by the government. That was – he was a former –  
8 the former head of the Cambodian railroad, who then became a  
9 Cambodian ambassador to Washington. And the second president at  
10 that company was Mr. Mau Say, who had been the Minister of  
11 "planification".

12 So, among the private shareholders as well, there were  
13 businessmen and politicians. There was, for example, a former  
14 prime minister and members of the Royal Family, Sirik Matak, and  
15 therefore through my professional activities, I was in contact  
16 with the Ministry of Industry and the Ministry of Commerce.

17 [14.09.20]

18 Q. And the simplicities of Khieu Samphan's lifestyle back then,  
19 was it at odds with the lifestyle of the political class that you  
20 might have met elsewhere?

21 A. Well, in this political class, you had former figures from the  
22 Democratic Party who had been eliminated from political life by  
23 Sihanouk, but who had become traitors and who are living  
24 decently; and you also had people who were in power whose  
25 lifestyle was probably rather sumptuous, at least in certain

1 cases.

2 Q. And can you quickly give us a general idea of the economic  
3 situation of Cambodia just before the Khmer Rouge captured Phnom  
4 Penh. So you travelled to Phnom Penh. You lived in Cambodia until  
5 1966 and you kept on travelling to Cambodia until 1974. So if you  
6 were to describe in very broad terms, the economic situation of  
7 Cambodia, what would you tell us?

8 [14.11.01]

9 A. Well, there were efforts to industrialize the country with  
10 foreign support, in particular, from China. China built four  
11 factories in Cambodia, a cement plant, a conglomerate wood plant,  
12 a paper mill, and the fourth plant I don't remember; and these  
13 plants were more or less operational in the situation - economic  
14 situation - in Cambodia is, as I said to you earlier on, was  
15 rather colonial. Their main resource was - product, was rubber of  
16 excellent quality, but that was not processed on site.

17 In 1963 when Norodom Sihanouk met or accepted American aid, with  
18 the hope of developing a more national centre economy, but the  
19 results were not that fantastic. However, the peasants were fed.  
20 Through their work they could eat. There were people who were  
21 poor, but nobody was living in dire misery. But however, some  
22 people were getting very, very rich thanks to trading,  
23 international trading, or thanks to activities connected with  
24 infrastructure. So the economic situation was the economic  
25 situation of a country that was not yet developed, basically

1 speaking.

2 [14.13.05]

3 Q. And in view of your education and in view of your intimate  
4 knowledge of the economic situation in Cambodia, do you believe  
5 that the reform proposals made by Mr. Khieu Samphan were  
6 realistic, and reasonable, and desirable even?

7 A. Well, his proposal seemed reasonable because what he was  
8 seeking was to value the resources in the country, in order to  
9 usher in a more developed economy and a higher standard of living  
10 for the peasants and workers.

11 Q. So I imagine that you did not return to Cambodia during the  
12 period of Democratic Kampuchea?

13 A. That's so. I only returned to Cambodia in 2005 for personal  
14 reasons.

15 [14.14.18]

16 Q. And how did you perceive Khieu Samphan's involvement in the  
17 Democratic Kampuchea regime?

18 A. Well, the role that Mr. Khieu Samphan played was set up by  
19 people who were in power in Democratic Kampuchea, because they  
20 needed a head of state who was popular and who was respectable.  
21 So they had first chosen Prince Norodom Sihanouk as head of  
22 state, who was very popular of course, and who was known  
23 throughout the world. But when they wanted to change heads of  
24 state after a year they thought about Khieu Samphan because he  
25 was very popular. François Ponchaud, in one of his books on the

1 history of Cambodia, says that Khieu Samphan was the idol or the  
2 icon idol for the youth, and therefore, he was a respected  
3 figure. He had a PhD in economics that he had earned in France.  
4 He spoke French, one of the five languages, official languages of  
5 the UN.

6 [14.16.02]

7 He was known by foreign embassies in Cambodia because he was a  
8 parliamentarian as well as a minister, and when he disappeared  
9 with Hou Youn and Hu Nim in 1957, a lot of people in Cambodia  
10 spoke about this in the embassies, and in the private sector, and  
11 in the papers. So therefore, he was someone who was popular, who  
12 was respected, and known. So I believe that is why he was chosen  
13 as head of state for Democratic Kampuchea.

14 Q. And you said earlier that you had returned to Cambodia in the  
15 year 2000, around, and you said - in 2005 in fact, maybe 2006 as  
16 well. And during those trips, or even maybe before, or in any  
17 case after the fall of Democratic Kampuchea, did you see Khieu  
18 Samphan again?

19 [14.17.24]

20 A. Yes, I saw Mr. Khieu Samphan in 1990. He was travelling  
21 through Paris. He was staying at the Place de Barcelone, where  
22 the Coalition Government of Democratic Kampuchea had its offices  
23 - that was presided over by Norodom Sihanouk, and the Prime  
24 Minister was His Excellency Son Sann, and Khieu Samphan was  
25 Deputy Prime Minister and Minister of Foreign Affairs. And I saw

1 him as well in Beijing by chance in 1992, and in 2005 and in  
2 2006, I travelled to Cambodia twice and I, yes, spent a few days  
3 with him; and in 2005 I stayed with him at his home in Pailin. I  
4 saw his old house, which was the wood shingle house, which I – of  
5 course he had found a brick house. But that was not very, very  
6 comfortable and I don't believe that there was running water in  
7 this house, and the following year, in 2006, we travelled  
8 together to Anlong Veaeng where his elder son was living and we  
9 had lunch with his elder son who was living in a very, very  
10 simple house; and his elder son would sell gasoline for moped  
11 drivers, and he was living above the shop. And then I went to  
12 Preah Vihear with him to visit the temple and we stopped several  
13 times along the way in different villages, and I saw that the  
14 villagers still had a lot of respect for Mr. Khieu Samphan.

15 [14.19.41]

16 Q. And you said that you had seen Khieu Samphan again in 1990 in  
17 Paris. Do you know what he was doing there?

18 A. I believe that he was travelling to different countries back  
19 then to prepare what was known later as the Paris Peace  
20 Agreements. I know that he travelled to Africa then as well, and  
21 one of my Thai friends who was the Thai Ambassador to Kenya, had  
22 met him. And I believe they discussed the situation in Cambodia,  
23 following the invasion of Cambodia by Vietnam, and they discussed  
24 Thailand's stance, vis-à-vis Cambodia. But I don't know the  
25 details of their discussion. But – and I saw the Ambassador in

1 Kenya and he told me that he had been very, very impressed by  
2 Khieu Samphan's character.

3 [14.21.07]

4 MR. VERCKEN:

5 I have no further questions, Mr. President.

6 Thank you very much, Mr. Jullian.

7 MR. JULLIAN-GAUFRES:

8 A. Thank you.

9 MR. PRESIDENT:

10 Thank you, Counsel.

11 Judge Lavergne, you may now proceed.

12 QUESTIONING BY JUDGE LAVERGNE:

13 Yes, thank you, Mr. President. Good afternoon, Mr. Gaufres. I am  
14 Judge Lavergne. I am one of the international judges and I have a  
15 few questions to put to you.

16 Q. First of all, I would like us to return to your first  
17 encounters with Mr. Khieu Samphan in the 1950s. Can you tell us  
18 if in the discussions you had with Mr. Khieu Samphan, if there  
19 were any - if there was anything political about these  
20 conversations?

21 [14.22.16]

22 MR. JULLIAN-GAUFRES:

23 A. Well, Your Honour, I only had a few conversations with Mr.  
24 Khieu Samphan because he left France in May 1959. So it was only  
25 in '58 that I spoke to him and we did not speak in detail about

1 political issues. However, I understood then that he desired that  
2 Cambodia develop towards a democratic – a republican democratic  
3 regime, and I believe that he wished that this change would  
4 happen gradually and not in a brutal way. He wanted to avoid  
5 revolution, he just wanted evolution.

6 Q. Did Mr. Khieu Samphan tell you that he had belonged to a  
7 circle called the Circle of Marxist Students, since 1957? Did he  
8 also tell you whether or not he was a member of the French  
9 Communist Party and of which particular cell?

10 A. No, he did not tell me about this.

11 [14.23.50]

12 Q. I supposed that you had met a certain number of students at  
13 the Union des étudiants Cambodgiens? And, for example, did you  
14 meet in particular someone by the name of Ok Sakun?

15 A. I don't remember this name. It's possible that I met him,  
16 because I met tens of Cambodian students at – in Paris,  
17 especially, after the Pavillon du Cambodge was built at the Cité  
18 universitaire. So, yes, I met many Cambodian students, no all of  
19 them.

20 Q. Among these students, did you meet any students who openly  
21 told you or that they were communists or attracted to the  
22 Communist Party?

23 A. Yes. Yes, some told me that and they told me that they had  
24 participated in the Communist International – the Communist  
25 International organized major gatherings in Prague and places

1 like that. So, probably, I know that Cambodian students have  
2 participated in some of these gatherings, probably members of the  
3 Union des étudiants Cambodgiens.

4 [14.25.34]

5 Q. According to you, was Khieu Samphan someone who could join  
6 movements, not because he was following their ideology  
7 necessarily, but because of patriotic sentiment, or to act as a  
8 link, or to be useful in some way?

9 A. I believe that Khieu Samphan, who was single back then, would  
10 spend most of his time focussing on the development of his  
11 country by being involved in activities of various kinds. His  
12 main goal was to improve the livelihood of the Cambodian  
13 population through economic development.

14 Q. Khieu Samphan has been heard several times since the start of  
15 this trial, and he's said regarding his involvement at the Cercle  
16 d'études marxistes and on the 13th of December 2011, at 2.20 in  
17 the afternoon, it's document E1/21.1; and in French, ERN 00761946  
18 to 50; and in English, ERN 00761840 to 45. So Mr. Khieu Samphan -  
19 and I'm going to try to summarize what he said there - he said  
20 that when he arrived in France he had joined the Cercle d'études  
21 marxistes because one of his former schoolmates at Sisowath High  
22 School was pushing him to do that, Mr. Ok Sakun. And he said that  
23 he finally gave in to his former schoolmate, and he accepted to  
24 join the Cercle d'études marxistes because he did not want Mr. Ok  
25 Sakun to perceive him as a coward.



1 [14.27.55]

2 And he also said that after having observed the political  
3 situation in Paris, he felt the need to take distance in order to  
4 think more carefully about the situation and this is why he went  
5 to Montpellier, pretexting that he enjoyed the weather in the  
6 south of France more. So these - what I've told you; does this  
7 surprise you? Or did Khieu Samphan ever say anything to that  
8 effect to you?

9 A. I am not surprised. Well, I did not speak about this in  
10 particular with Mr. Khieu Samphan, but I'm surprised. But -  
11 because in the 1950s it - only the French Communist Party sided  
12 with those struggling for independence in Cambodia. So, for  
13 example, Guy Mollet, a socialist, did not support independence  
14 for the former colonies. And I'm therefore not surprised that the  
15 single or the only single possibility offered to Khieu Samphan  
16 was coming closed to the French Communist Party.

17 [14.29.26]

18 Q. Yes, well, maybe we're speaking a bit more than just coming  
19 close. Because when he returned to Cambodia, Mr. Ieng Sary  
20 entrusted him with the responsibility of leading the Cercle  
21 d'études marxistes, and he said the following on the 13th of  
22 December 2011. He said that he accepted this task because those  
23 who were the most convinced had returned to Cambodia, and it was  
24 only he who could take charge of the circle. And he saw in that  
25 the possibility of achieving something that would be useful by

1 inculcating patriotism to its members. Therefore, I believe it's  
2 a bit more than just coming close to the Communist Party, because  
3 Khieu Samphan was a member of the Communist Party in France. He  
4 said it. And on top of this, he is at the head of the circle of  
5 Marxist students – Cercle d'études marxistes. So, however, you  
6 said he was more of a socialist. So isn't there some kind of  
7 contradiction here?

8 [14.30.34]

9 A. As I stated earlier, the Socialist Party at the time was not  
10 the most active organization with respect to decolonisation of  
11 former countries. Only the Communist Party was concerned with  
12 such issues. And I believe that Mr. Khieu Samphan held  
13 socialist-leaning economic ideas.

14 Q. Do you know if, among socialist circles, self-criticism was  
15 exercised? Was the notion of secrecy prevalent during the period?  
16 Moreover, we are dealing with the time of 1957 to 1959, and yet  
17 Cambodia had gained independence as of 1953.

18 A. Firstly, I did not frequent the circles that you are talking  
19 about. Yes, the official independence of Cambodia occurred in  
20 1954. However, from an economic stance, colonialism was still  
21 quite present, up until the end of the 1950s to the start of the  
22 1960s.

23 Q. Do the words "The work of United Front" evoke anything for  
24 you, Mr. Witness?

25 A. No, nothing at all.

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1 Q. Very well. Regarding the image that Mr. Khieu Samphan would  
2 have projected of himself; I recall what you stated, according to  
3 which Mr. Khieu Samphan enjoyed a very popular reputation. He was  
4 a respectable man, serious, honest. Can we say that he also  
5 enjoyed the image of a man who was rather modest and who was very  
6 trustworthy among many people and circles?

7 [14.33.08]

8 A. Absolutely. In fact, Mr. François Ponchaud, in his book that I  
9 cited earlier – Mr. François Ponchaud called Mr. Khieu Samphan at  
10 one time "Mr. Clean". He was someone that he did not share  
11 political views with, necessarily. However, it does go to show  
12 that his popularity was quite great, as was his honesty and  
13 integrity, as well as his sense of social welfare.

14 Q. If I understand correctly what you are telling the Chamber,  
15 that is an image that could have been manipulated or used by the  
16 Khmer Rouge in order to gain and build trust?

17 A. Absolutely.

18 Q. Let's move to another line of questioning which could  
19 potentially be more painful for you, since in the document that  
20 you have provided to this Tribunal – it is your written  
21 testimony, E190/2.5 – you stated that you lost many members from  
22 your own family.

23 [14.34.20]

24 You lost in-laws and you lost friends and colleagues. You lost  
25 your father-in-law, your sisters-in-law, her husband, four

1 nephews. You stated that you lost Cambodian friends, such as Mr.  
2 In Sokan, Mr. In Sophann, Mr. Suon Kaset, Mr. Touch Kham Doeun,  
3 Mr. Dy Phon. Do you know what happened to those individuals? Do  
4 you know where they met their deaths? Do you know what happened  
5 to In Sokan, Suon Kaset, In Sophann, Touch Kham Doeun?

6 A. I do not know the details. A very, very long time ago, I held  
7 in my hands a list of people who perished at S-21. However, I do  
8 not recall who was on that list or who was not on that list. I  
9 cited a few names. All I know that there were many friends who  
10 were no longer there in 1979.

11 Q. Indeed, Mr. In Sophann was detained at S-21. He is on number  
12 2,989 of the S-21 prisoners' list submitted by the  
13 Co-Prosecutors. Mr. Suon Kaset was also detained at S-21. He is  
14 listed as number 1,089. Mr. Touch Kham Doeun was also held at  
15 S-21. Mr. Dy Phon was a prisoner at S-21. He was number 1,937.

16 [14.36.42]

17 You stated that, among those friends you did not see again, there  
18 was also many cadres from your company – SOKOA, the Cambodian  
19 subsidiary of Air Liquide – who you did not see again. You refer  
20 to Tan Kimyo, Neal Nelly, Ieu Yang – nearly one third of the  
21 company that you managed. My question is: Did you ever discuss  
22 with Mr. Khieu Samphan the demise and disappearance of these  
23 people? Did you ever talk about Mr. In Sokan, Suon Kaset, In  
24 Sophann, Touch Kham Doeun, Dy Phon?

25 A. Mr. Khieu Samphan knew those individuals. I think he knew them

1 all, because they studied in Paris when I was visiting the  
2 Cambodian pavilion at the University of Paris. I never talked  
3 about them, because I only saw Mr. Khieu Samphan again in 1990  
4 and 1992. I did not talk about the 1975 to 1979 period.

5 [14.38.05]

6 Essentially, we talked about personal issues, and we talked about  
7 our families. Our conversations were relatively brief. I  
8 considered that it wasn't appropriate for me to place this burden  
9 and to ask questions on that period – the period of 1975–1979 –  
10 and of the events that took place then. I wanted to wait for the  
11 situation to dissipate. The newspapers and books had reported  
12 many things, and things that called for a sense of calmness to  
13 prevail.

14 Q. However, Mr. Witness, you must realize that our chief concern  
15 – the chief concern of this Tribunal – is that very period. The  
16 1975 to 1979 period, that is of the most interest to us.

17 I'd also like to know if Mr. Khieu Samphan ever talked to you  
18 about his family. I believe you are somewhat acquainted with his  
19 relatives – his mother, his sisters, his brothers. Mr. Witness,  
20 do you know anything about his family ties?

21 A. During our meetings, in 1990, it was then – during our  
22 conversations about family – that he told me that he lived – he  
23 told me that his mother and his brother lived very far away from  
24 him and that they could not live close to each other, and he saw  
25 them on a very seldom and rare basis.

1 [14.40.00]

2 Q. Did he tell you where his mother and brothers were during that  
3 period of Democratic Kampuchea?

4 A. I did not ask the question; I did not seek those kinds of  
5 details. What I did gather, and what I do believe, is that the  
6 two families of the two heads of states, be it Khieu Samphan or  
7 Prince Norodom Sihanouk – their families had not been spared.  
8 Within the family of Prince Norodom Sihanouk, I believe that he  
9 left some – he lost some 14 children and grandchildren, including  
10 Mr. Sisowath Methavi. And I believe, during the time that Mr.  
11 Khieu Samphan was head of state, his family did not enjoy any  
12 preferential treatment.

13 Q. Do you believe that you can compare the position that held  
14 Prince Norodom Sihanouk and that of Mr. Khieu Samphan? Do you  
15 know if Mr. Khieu Samphan sat on the Central Committee of the  
16 Communist Party of Kampuchea?

17 [14.41.29]

18 A. I believe that both gentlemen served as heads of state, and in  
19 a country with a communist regime, a head of state plays a much  
20 more representative role, and does not enjoy significant power.  
21 Take, for example, the Cultural Revolution and who Mao Zedong  
22 eliminated. Everybody knew Kim Jun-Un as the strongman, but King  
23 Yong Nam has been head of state – was head of state in North  
24 Korea, and in the North Korean constitution, similar to the  
25 Constitution of Democratic Kampuchea, I believe that the role of

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1 the President of the Presidium is a role that is akin to that of  
2 a figurehead. He only receives other heads of states,  
3 ambassadors, secretaries of state, etc. I can think of other  
4 examples, but I don't know now.

5 Q. I understand that this is your personal analysis, but did you,  
6 at any point in time, have a specific conversation with respect  
7 to Mr. Khieu Samphan's exact role that he played during the  
8 Democratic Kampuchea period? Do you have any information that you  
9 can bring before this Tribunal on that subject?

10 A. I do not know the facts; I did not have any in depth  
11 conversations on that topic. I knew Mr. Khieu Samphan since 1957;  
12 however, I do not know the details of his life - particularly of  
13 his life during the late 1975-1979 period. I am not in a position  
14 to answer.

15 [14.43.44]

16 Q. In your written statement - in your testimony, Mr.  
17 Jullian-Gaufres, you state that you were rather shocked upon  
18 reading the Constitution of Democratic Kampuchea, and a  
19 particular provision - that being Article 3 of the Constitution.  
20 Do you recall what Article 3 stipulates?

21 A. No, not exactly.

22 Q. I'm referring to the article on culture.

23 A. Oh, yes. Yes, now that you make mention of it, I do recall.  
24 The Constitution states that the previous culture and  
25 civilization of Cambodia up until 1975 had a detrimental effect

1 on the country, prior to the coming to power of the Khmer Rouge.  
2 And I believe that it was Article 11 that specified the role of  
3 the President of the State Presidium.

4 [14.45.03]

5 Q. Mr. Jullian-Gaufres, did you ever discuss, at any point in  
6 time, with Mr. Khieu Samphan the role that he played in the  
7 drafting of the Constitution? Did you hear what Mr. Khieu  
8 Samphan's comments were when he himself unveiled the Constitution  
9 before the Cambodian country?

10 The Court has at its disposal a rather interesting report -  
11 E3/259.

12 A. I do not have any specification to make. However, one general  
13 comment is that the speeches of heads of states do not - are  
14 rather broad. I believe that the speech that is delivered by the  
15 Queen of England is often drafted by the reigning government. And  
16 that in a communist regime the head of state is essentially  
17 controlled by the secretary-general of the communist party, and  
18 is controlled by the government.

19 Q. I'm not entirely sure if the Queen of England would ever utter  
20 what I am about to read, but I would like to quote from ERN  
21 00725798. This is chapter 3 with respect to the culture of  
22 Cambodia - popular culture or healthy culture.

23 [14.47.06]

24 "These are the distinctive characteristics that are featured in  
25 our country. There is no vandilists, no prostitutes. Our culture



1 is a popular and independent culture. We are resolutely opposed  
2 to all cultures that are corrupt and reactionary. We are also  
3 opposed to the oppressing classes, which encompass the  
4 colonialists. Films and magazines which are the vehicles of this  
5 corrupt culture have been eliminated, as well as imperialists and  
6 foreign lackeys. We will behave ourselves according to our own  
7 values as well as our nation and people. We shall not imitate the  
8 decadent culture of foreign imperialists such as has been done by  
9 the Lon Nol clique. Look at what these Lon Nol traitors have done  
10 with their partisans. I do not know how to describe this. Houses  
11 in Phnom Penh have absolutely no national character. And this is  
12 exactly why we are staunchly opposed to such a culture; if we  
13 allow this corrupt culture to plague our country, it will  
14 certainly undermine all of our efforts to defend our country and  
15 to preserve our independence and sovereignty. We resolutely  
16 reject the corrupt and reactionary culture of imperialism."

17 [14.49.09]

18 "In the past, our people have always fought against the invasions  
19 of imperialists, and we will continue to battle on resolutely  
20 with conviction in order to build a healthy, popular, and  
21 national fatherland."

22 Does this have any echoes, Mr. Witness, of what Mr. Khieu Samphan  
23 could have said in Paris during his studies and during the 1960s?  
24 A. Just to return to the first sentence about defending popular  
25 culture and nationalist culture, yes. However, I heard him

1 criticize the policy of absolute power, and the absolute power of  
2 Prince Norodom Sihanouk. However, I did not hear him utter any  
3 virulent criticism of traditional Cambodian culture. On the other  
4 hand, when he was in Paris, the Lon Nol government was not yet  
5 established. But it was well-known that there had been many  
6 abuses during the 1970 to 1975 period, when, with the support of  
7 the Americans, a civil war was raging in Cambodia. Khieu Samphan  
8 was quite critical of the 1970 to 1975 period, which was  
9 absolutely devastating to Cambodia with the dropping of all of  
10 the American bombs.

11 [14.51.08]

12 Q. Did Mr. Khieu Samphan ever tell you why it had been necessary  
13 to evacuate the cities following the liberation of Kampuchea?

14 A. He never talked to me about that. However, I have come to the  
15 following personal conclusion; after 1975, Phnom Penh was  
16 completely cut off and isolated from the external world. All  
17 supplies and commodities were being brought in by aircraft or by  
18 sea, and the Khmer Rouge had circled Phnom Penh and they were  
19 simply unable to provide enough food to the population.  
20 Therefore, the evacuation of the cities took place in absolutely  
21 horrifying conditions. However, with hindsight, I do believe it  
22 was out of economic need.

23 [14.52.13]

24 Q. Pardon me. Are you saying that the evacuation of the city  
25 stems from an economic need? Is that what you said, sir?

1 A. Well, the city was receiving no supplies. Supplies were only  
2 coming in by boat or by plane, and when the Khmer Rouge took  
3 over, there was simply no more supplies of any sorts of  
4 commodities through any channel, be it air or water. Therefore,  
5 the population had to return to the countryside. But I recognize,  
6 based on what I've heard, that the evacuations occurred in the  
7 most ghastly conditions.

8 Q. Therefore, is the evacuation something for you that was  
9 foreseeable, or did it take - or did knowledge of this take you  
10 by surprise?

11 A. It did not necessarily surprise me, but the conditions  
12 certainly appeared to me as horrible.

13 [14.53.30]

14 Q. Do you know how many laws or decrees were passed by the  
15 People's Assembly and do you know if there were any judicial  
16 institutions that were operational during the period of  
17 Democratic Kampuchea.

18 A. I do not know at all. You know at the time that I was the  
19 managing director of financial services for the multi-national  
20 Air Liquide, and so I was very busy with my work. I started my  
21 day at 7.30 and only ended at 8.30 in the evening. I was not  
22 working the 35-hour work weeks that we know today in France. I  
23 was entirely devoted, and essentially devoted, to my work, and  
24 therefore I had very little knowledge of what was happening in  
25 Cambodia at the time.

1 Q. Earlier, we talked about In Sokan and In Sophann. Did you know  
2 a person by the name of In Sopheap?

3 A. Yes, I met him. It's a brother from the same family.

4 [14.54.37]

5 Q. And are you familiar with a book written by Mr. In Sopheap  
6 which is entitled "Khieu Samphan, Enlarged and Real"?

7 A. No, I have no knowledge of that publication, but I believe  
8 that would be of interest to me.

9 JUDGE LAVERGNE:

10 Yes, I agree with you.

11 Mr. Witness, at this particular stage, I have no further  
12 questions. I know that other questions will be put to you, which  
13 could eventually spur further questions.

14 However, for now, Mr. President, I have no further questions to  
15 put to the witness and I wish to thank him for his cooperation.

16 MR. PRESIDENT:

17 Thank you, Mr. Witness and thank you, Judge Lavergne.

18 Mr. Witness, we will take a 20-minute break from now. The local  
19 time here is 2.55, and we shall resume at a quarter past 3.00,  
20 Cambodian time.

21 The Court is now in recess.

22 (Court recesses from 1455H to 1516H)

23 MR. PRESIDENT:

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

25 Good afternoon again, Mr. Gaufres.

1 MR. JULLIAN-GAUFRES:

2 (No interpretation)

3 MR. PRESIDENT:

4 Thank you.

5 We would like now to proceed.

6 And the Chamber wishes to hand the floor over the Prosecution.

7 [15.17.34]

8 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President. Good afternoon and - to all of you  
10 here, and good morning to you, Mr. Gaufres. Good afternoon to all  
11 parties.

12 My name is Vincent De Wilde, I represent the Office of the  
13 Co-Prosecutors, and I have a few questions to put to you. And  
14 some of these questions, in fact, will follow up the questions  
15 that were put to you by Judge Lavergne earlier.

16 Q. My first series of questions, focusing on your testimony in  
17 defence of Khieu Samphan, E190/2.5. And it's dated 15th of  
18 October 2010 - that is to say, one month after the indictment for  
19 this case.

20 So, could you tell the Chamber, in a few words, if you are the  
21 one who took the initiative to contact Khieu Samphan's defence in  
22 order to draft this testimony in support of Khieu Samphan, or if  
23 it is Khieu Samphan's team that contacted you to write this  
24 "testimony" in support of Khieu Samphan?

25 [15.18.57]

1 MR. JULLIAN-GAUFRES:

2 A. I was in contact with Jacques Verges, who had asked me to  
3 provide to him some information on what I may know of Cambodia  
4 and Cambodia's relationship with Vietnam. And then I proposed to  
5 draft a statement in support of Khieu Samphan.

6 Q. Very well. And between the date of this written statement, 15  
7 October 2010, and today's hearing, have you had any other contact  
8 with members of the Khieu Samphan defence?

9 A. Well, last week I met Counsel Vercken to know a little bit how  
10 today's hearing would be conducted. The - I was told that I would  
11 be questioned on my statement. Just to know how the proceeding  
12 was going to be conducted. That's all.

13 Q. Fine. Other question; I have read your statement, and you  
14 spoke about many encounters with Khieu Samphan between 1957 and  
15 1959, and also in 1990-1992, and then you stayed at his home  
16 several times in 2005 and 2006. Can you describe your  
17 relationship with Khieu Samphan as a friendship?

18 A. Yes, we had very friendly relations.

19 [15.20.48]

20 Q. And is it because of this friendship and of the shared  
21 memories that you accepted, or that you even proposed, to testify  
22 in writing and orally in his support?

23 A. Yes, I must say that my - our friendship - or my friendship  
24 was based on my esteem for Khieu Samphan. My - whom I had known  
25 in Paris, and who I saw again in Cambodia. And I understood his

1 devotion to his country.

2 Q. Can we say that, as of Khieu Samphan's flight into the maquis  
3 in 1967 which corresponds to the time when you left Cambodia - or  
4 in any case, when you stopped living in Cambodia - and up to the  
5 17th of April 1975, did you receive any kind of news from Khieu  
6 Samphan?

7 A. When he left Phnom Penh to go underground in 1967, I was in  
8 Malaysia. And then, after that, I had no direct contact with him  
9 up until 1990.

10 [15.22.25]

11 Q. Thank you. So, if I understood correctly, there is  
12 approximately a 23-year period during which you had no contact  
13 with Khieu Samphan, and during which you know very little about  
14 his role and about his activities and his ideological  
15 convictions, and in particular you had very little understanding  
16 or you did not know if his political convictions or ideological  
17 stances had changed since you knew him?

18 A. You're absolutely right. I did not have any contact with him,  
19 and I was not indeed able to follow his ideological development,  
20 if there were any.

21 Q. Fine. In your written statement, you made a certain number of  
22 observations and personal analyses. In particular, as of section  
23 9 which focuses on the reasons why Khieu Samphan was appointed  
24 head of state as well as on the role of the head of state in a  
25 communist regime. And your conclusion is - and you title it, just

1 like a judge, "as my intimate conviction". So, since this  
2 analysis is based on a period during which you had no contact  
3 with Khieu Samphan, can you agree to the fact that this analysis  
4 might be a bit subjective, or that it might be based somewhat on  
5 speculation?

6 A. I would say that these are indeed hypotheses, based on what I  
7 knew of Khieu Samphan in the past, and based on what I was able  
8 to see of him and hear of him in the year 2000 and after.

9 [15.24.45]

10 Q. Fine. I'd like to be perfectly clear; let me take an example.

11 You wrote in your statement, E190/2.5, French ERN 00809329. And

12 let me repeat; 00809329. In Khmer, it's on page 00907765 -

13 00907765. And this is what you wrote, and I quote;

14 "It was probable that Khieu Samphan, who was not a member of the  
15 Standing Committee of the Communist Party of Kampuchea, did not  
16 wield much more power than his predecessor, Prince Norodom  
17 Sihanouk, who was head of state from 1975 to 1976." End of quote.

18 So, my question is the following: Do you know, Witness, if late

19 Norodom Sihanouk was a member of the CPK, member of the Central

20 Committee, or if he attended most meetings of the Standing

21 Committee?

22 [15.26.06]

23 A. I'm completely unaware of that, and I'm completely unaware of

24 late-King Sihanouk's contacts in 1975 and 1976. But, however, I

25 know that he went to Cambodia in the early 1970s. He was living



1 in Beijing at that period, but he travelled at least once to  
2 Cambodia, and he met then Pol Pot, Khieu Samphan, etc. And I even  
3 saw a photograph of this meeting.

4 Q. Fine. Earlier you spoke about Sirik Matak as being one of the  
5 shareholders in your corporation when you were in Cambodia. Have  
6 you ever heard or read a speech by Khieu Samphan that he made  
7 around April 1975 – that is saying, the weeks just before – whose  
8 object was that there were traitors and "super traitors", of  
9 which Sirik Matak was part of?

10 A. I am not aware of this speech, nor of any other kind of speech  
11 that was made by Khieu Samphan or by anyone else. I know that  
12 Sirik Matak had participated with Lon Nol in the destitution of  
13 Prince Sihanouk in March 1970.

14 [15.27.47]

15 Q. Fine. When you were – answered a question by Judge Lavergne  
16 earlier, you said you did not know or, in any case, Khieu Samphan  
17 had never told you – having been a member or having even presided  
18 over the Marxist Circle, or having been a member of the French  
19 Communist Party.

20 So, did you learn of this later? Did you learn later that Khieu  
21 Samphan had been a member of the French Communist Party or of  
22 this Marxist-Leninist Circle or did you just learn this today,  
23 during today's hearing?

24 A. I suspected, but I only learned it officially today, during  
25 today's hearing.

1 Q. As you may wonder, did you ask yourself if, if in reality, you  
2 knew Khieu Samphan as well as you thought, or if there was  
3 something that was hidden in Khieu Samphan, that he never  
4 revealed to you?

5 [15.29.05]

6 A. I met Khieu Samphan several times, as I told you. And when I  
7 met him, I grew to appreciate him very much, as well as other  
8 Cambodians in Paris then. And my appreciation grew when I was in  
9 Cambodia and when I saw the way he conducted his political  
10 activities. I'd like to remind you that he first was a  
11 parliamentarian in Norodom Sihanouk's party, and that he was then  
12 re-elected a second time without the support of Norodom Sihanouk,  
13 which proves that the local population appreciated him more than  
14 the other candidates.

15 MR. PRESIDENT:

16 Court Officer, could you coordinate with the AV Unit regarding  
17 the interference on the voice from France?

18 (Short pause, technical problem)

19 [15.31.43]

20 The Prosecution, you may now continue with your questioning of  
21 this witness. And please repeat your last question. Thank you.

22 BY MR. DE WILDE D'ESTMAEL:

23 Well, if I'm not mistaken, Mr. President, I believe that the last  
24 question I put to the witness was answered, so if I may move on  
25 to the next one - unless you did not hear the answer.

1 [15.32.22]

2 Q. Well, I would like to quickly revisit the issue of the  
3 Constitution. Earlier today, you told us that you were shocked by  
4 what you had read regarding culture in the Constitution, and I  
5 would like to quote what you said on page 2 of your written  
6 statement more specifically:

7 "I saw the onslaught against a culture that I became impregnated  
8 with during my studies at L'École des langues orientales. A  
9 culture based on respect for the family, religion, and  
10 traditions. A culture described in Article 3 of the Constitution  
11 of 5 January 1976 of Democratic Kampuchea as 'corrupt and  
12 reactionary which the new culture is absolutely opposed to.'" End  
13 of quote.

14 Well, you were not very explicit when describing what shocked you  
15 about this. You simply repeated what you had already written. So,  
16 could you tell us a little bit more about your reaction,  
17 especially since the family of your wife is Cambodian and - so  
18 could you tell us how this Article 3 and what you wrote here is  
19 something that is very shocking to you?

20 [15.33.53]

21 A. Well, the Khmer Rouge, in my opinion, wanted to transform  
22 society radically, and I do not support this kind of solution at  
23 all, because this solution attacks traditional values that I  
24 support, such as respecting family, respecting education, and  
25 training. So I was indeed shocked to learn, later on, when we had

1 discovered what had happened in Cambodia - it's not then, it was  
2 after, because, of course, I did not - I was not at all aware of  
3 what was going on in Cambodia at the time, from '75 to '79. So  
4 it's only 5 or 10 years later that I was absolutely  
5 flabbergasted.

6 Q. And you mentioned religion, as well, on top of family  
7 tradition and culture. And I would like, maybe to read to you  
8 again Article 20 of the Constitution that states the following  
9 [free translation]:

10 "Each citizen of Democratic Kampuchea is entitled to have beliefs  
11 and religion, and also has the right to have neither creed nor  
12 religion. And it is strictly any kind of reactionary religion  
13 harming Democratic Kampuchea - is strictly forbidden." End of  
14 quote.

15 [15.35.38]

16 And I'd like now to return to the document that was mentioned by  
17 Judge Lavergne before, document E3/273 - E3/273 - which is not  
18 only a speech but especially a report from Khieu Samphan - who  
19 was the deputy prime minister - of 14 December 1975 regarding the  
20 project for a new constitution before this Constitution was  
21 adopted by the 3rd National Congress. And this is what Khieu  
22 Samphan says regarding religion - [free translation] - and I  
23 quote, Khmer ERN 00657450 - and I repeat 00657450; French,  
24 00727802 - 00725802; English, 00167816, 00167816. And I quote  
25 from what Khieu Samphan - Article 20 of Chapter 15 - [free

1 translation] - states that:

2 "Our people are allowed to follow the religion of their choice,  
3 no matter their religion. And also has the right not to follow  
4 any religion. This is a new form of freedom for our people. And,  
5 furthermore, as was announced in our Constitution, our aim is not  
6 to allow foreign imperialists, no matter who they are, to use  
7 religion for subversive ends. We are determined to fight the  
8 imperialists no matter the artifices they resort to. The  
9 imperialists keep on looking for means to attack us, in  
10 particular by using religion to infiltrate our country. So,  
11 therefore, we must fight them at all costs."

12 [15.37.49]

13 And, regarding religion, did Khieu Samphan ever speak to you  
14 about religion, whether it be in the 1990s or whether it be in  
15 the year 2000s?

16 A. I don't remember that we spoke about religion in a  
17 particularly extensive way. I believe that some of the criticisms  
18 that he brought up are fair, insofar that a certain number of  
19 American missionaries would give candy to little children so that  
20 they would follow religious education. And many missionaries,  
21 based on what I was told, were more or less connected to the CIA.  
22 They had been sent into the countryside and they were able to  
23 understand what was going on clearly because they spoke Khmer.  
24 I'm speaking about American missionaries in the 1950s and the  
25 1960s.

1 Q. In the conclusion of your statement, you state that Khieu  
2 Samphan did not participate in activities that resembled the  
3 Cultural Revolution and did not foster them, nor did he initiate  
4 them even less. You did say, of course, that these are personal  
5 speculations.

6 [15.39.22]

7 However, when you read this Constitution from 5 January 1976,  
8 which wanted to shake up Khmer culture completely, wasn't this  
9 the sign of a true cultural revolution?

10 A. Let me specify that I did not read the Constitution in detail,  
11 I simply typed in "Cambodia, Head of State, Democratic Kampuchea"  
12 on the Internet and I ended up on Article 11. And yes, indeed, it  
13 was a cultural revolution. However, I continue believing that  
14 Khieu Samphan neither supported the Chinese-style "great leap  
15 forward", nor the Chinese-style Cultural Revolution. But not as  
16 Pol Pot and the others who admired China. And they in turn wanted  
17 to usher in the "great leap forward" and the Cultural Revolution  
18 at the same time, which led to the humanitarian disaster we are  
19 all aware of.

20 [15.40.49]

21 Q. I'm not going to return to this. I think it's quite clear.  
22 Earlier, you said that some of your Cambodian friends had  
23 probably died at S-21 because you had seen a list of people who  
24 had been detained there and executed, but you do not remember  
25 which one of your friends were on this list. Did you learn that,

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1 if people were sent to S-21, they were considered as enemies or  
2 traitors?

3 A. I do not know why these people were suppressed, but I suppose  
4 there were charges against them, and they were - all of them,  
5 practically, wanted Cambodia to develop, politically, and to lead  
6 to a more efficient regime, economically-speaking. But, whatever  
7 charges were held against them, I'm completely unaware of them.

8 Q. And - however, did you know if Suon Kaset, In Sophann, , Touch  
9 Kham Doeun, Dy Phon, and others had not only been active in  
10 Paris, but had also been members of the Communist Party of  
11 Kampuchea?

12 [15.42.33]

13 A. I know that Touch Kham Doeun attended meetings in Europe when  
14 he was a student, before 1960, meetings that had been organized  
15 by international communist authorities. But as far as the others,  
16 I don't know. I would not be surprised that some indeed were  
17 members of the French Communist Party when they were in France,  
18 but as far as Cambodia, I don't know if they were members of it.  
19 At the time, I think the Communist Party of Cambodia was called  
20 Pracheachon - "People".

21 Q. Thank you.

22 Now, regarding the enemies, I wish to refer to one single  
23 document. There are several, but I will limit myself to one.  
24 E3/201 - E3/201. It is an excerpt of Khieu Samphan's speech from  
25 15 April 1977 at a mass meeting for the 2nd Anniversary of the

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1 Victory of 17 April 1975. And it's on English page 00419517,  
2 00419517; Khmer, 00292813 to 14, 00292813 to 14; and French,  
3 00612172, 00612172.

4 [15.44.28]

5 And Khieu Samphan says the following:

6 "We must permanently keep our revolutionary vigilance awake  
7 against enemies of all kinds, at home as well as abroad, in order  
8 to defend Democratic Kampuchea, protect the worker-peasant  
9 administration and preserve the fruits of our revolution  
10 resolutely and permanently." End of quote.

11 So, did Khieu Samphan in the 1990s or the year 2000s - did he  
12 ever explain to you that there had been enemies from within and  
13 enemies from outside? Or what revolutionary vigilance meant?

14 A. I don't know if it is Khieu Samphan who spoke to me about this  
15 first or if it is someone else, but it is clear that, during  
16 centuries, Cambodia was the prey of enemies: Thailand and  
17 Vietnam. And Vietnam, supported by the U.S.S.R., wished to take  
18 over Cambodia after. So, I believe that what is written regarding  
19 enemies from outside can be applied to the Vietnamese and to  
20 Vietnam, and the enemies from within probably applies to  
21 Cambodians who had been brought in 1954 by the Vietnamese to  
22 North Vietnam, where they were trained in order to be their  
23 spearhead in Cambodia.

24 Q. Following 1979 and before 1990, when you saw Khieu Samphan for  
25 the first time - after all that long period, did he ever talk to



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1 you about what happened to Cambodian refugees and what they said  
2 as they were fleeing towards Thailand, Vietnam, or France? You  
3 referred earlier to François Ponchaud's book, who had undertaken  
4 and achieved massive gathering of testimony of refugees. Did  
5 Khieu Samphan tell you anything about that encounter?

6 [15.47.13]

7 A. There were two refugee camps that he had been to, close to the  
8 sea, in 1980. And I do not recall the names of those locations. I  
9 do recall that I had met with the refugees. And with some  
10 friends, and Colonel Saint-Simon, we established a small  
11 organization to help those refugees find work and set up proper  
12 living conditions.

13 With respect to numbers, many numbers and figures - significant  
14 figures - had been circling about. I know that during the 1980s,  
15 Kim NguyenTrach (phonetic), the Foreign Affairs Minister of  
16 Vietnam, was in Paris. He was on a mission and he was part of a  
17 conference being organized by the CNPF, and he cited a death toll  
18 of 3 million. I believe that the Vietnamese, in an attempt to  
19 justify their invasion of Cambodia, had inflated the number of  
20 the dead.

21 [15.48.44]

22 I do not know the number of those who died; however, during the  
23 1970 to 1975 period, because of the American bombings, there were  
24 deaths, and during the 1975-1979 period, there were those who  
25 were eliminated or those who perished because of lack of

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1 medication and malnourishment. And following the invasion of  
2 Vietnam in Cambodia in January 1979, there were people who fled,  
3 and those people were killed, or who lost their lives by walking  
4 on mines. I do not know the exact numbers but I know there were  
5 several categories of victims.

6 [15.49.29]

7 Q. Did you read or did you know about what Khieu Samphan said  
8 about the number of Khmer Rouge victims, in particular, during an  
9 interview with Western journalists, with a certain Marsh Clark  
10 from the "Times" magazine in an article dated the 1st of March  
11 1980? I'm going to read an excerpt before asking you the  
12 question. This is E3/628; ERN in French, 00740915; English ERN  
13 00524517; and in Khmer, 00709544.

14 The journalist writes as follows: "How many people were  
15 eliminated during the Revolution?"

16 Khieu Samphan's answer: "All I can tell you is that the number  
17 was not more than 10,000."

18 Question: "So you are saying that the almost unanimous testimony  
19 of refugees in Thailand and that of other witnesses is  
20 incorrect?"

21 Answer: "They are not correct; very few people were against us."

22 And further on in the article he states: "There is absolutely no  
23 certainty; the Vietnamese are responsible for some 2 million  
24 victims."

25 [15.51.08]

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1 Mr. Witness, did you ever have the opportunity to talk with Mr.  
2 Khieu Samphan during the 1990s and during the 2000s to – on the  
3 specific topic of the statistics of those who died under the  
4 Democratic Kampuchea regime or as a result of poor treatment,  
5 disease, malnourishment or other reasons?

6 A. I never had the opportunity to talk about the death toll.  
7 During our meetings, and during our conversations, which very  
8 often did not last a long time, we talked about the future of  
9 Cambodia. We talked about the current predicament of Cambodia and  
10 we also talked about the country's future. We rarely touched upon  
11 the 1975–1979 period.

12 I do believe that there were a certain number of people who were  
13 eliminated, and those who were able to oppose the capture of  
14 Phnom Penh, who were corralled in various manners and then  
15 massacred. There were many who did die before the Vietnamese  
16 invasion, and that was due to the very difficult work conditions  
17 and living conditions. As for the total death toll, I am  
18 completely unaware of the exact figure.

19 [15.52.45]

20 Q. One last question: Earlier on you stated that you were  
21 reluctant to talk about certain topics with Mr. Khieu Samphan,  
22 you were reluctant to talk about the 1975–1979 period during your  
23 meetings in recent decades, and yet it was almost 30 years after  
24 the events. Therefore, my question is: What barred you from  
25 filling in the details? What prevented you from asking about what

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1 had happened in Cambodia, particularly in light of the fact that  
2 you have Cambodian family members, you were in Cambodia, and you  
3 did have a personal stake?

4 A. We seldom talked about the past. I travelled to China on  
5 several different occasions, and I observed that the Chinese who  
6 had lived through the Cultural Revolution never talked about the  
7 Cultural Revolution. I decided to adhere to this convention. When  
8 I travelled to Cambodia, I noticed that Cambodians were quite  
9 restrained or reluctant about the 1975 to 1979 period.

10 [15.54.23]

11 Q. I understand, but the situations in both countries are not  
12 identical, depending on whether you were referring to the victims  
13 of a regime or a former head of state of a regime who may have  
14 been responsible for the death of several millions, and I would  
15 put the figure of 1.7 million deaths to you. Therefore, how could  
16 you be so deliberate in avoiding such a topic? Wouldn't that  
17 cause a conflict of consciousness in your mind?

18 A. No, that never gave rise to any personal dilemma of  
19 consciousness. We talked about the ongoing situation in Cambodia  
20 at the time as was relevant. Therefore, yes, I was quite  
21 purposeful in not raising the subject.

22 MR. DE WILDE D'ESTMAEL:

23 Mr. President, I have no further questions to put to the witness.  
24 However, I would like to hand the floor over to my national  
25 colleague before we hand the floor over to our civil party

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1 colleagues. Thank you.

2 [15.55.38]

3 QUESTIONING BY MR. CHAN DARARASMEY:

4 Good afternoon, Mr. President, Your Honours. Good afternoon  
5 everyone in and around the courtroom.

6 Good afternoon, Mr. Jullian-Gaufres. My name is Chan Dararasmey,  
7 representing the national prosecutor. I have additional questions  
8 in addition to the questions put to you by my international  
9 colleague.

10 Q. Did you hear about the events taking place between 1975  
11 through '79, although you were not in Cambodia? Did you hear  
12 about the events that took place inside Cambodia between that  
13 period?

14 MR. JULLIAN-GAUFRES:

15 A. At the time, Cambodia was closed off; I did not hear about  
16 what was being said. There were very few foreigners in Cambodia.  
17 It was only in 1978 that there was a group of Yugoslav  
18 journalists who were authorized to enter Cambodia. And at the  
19 time, at the very least in France, very little was said about  
20 Cambodia.

21 [15.57.03]

22 There were only a few journalists, who, in 1975, celebrated the  
23 arrival of the Khmer Rouge to power. I recall a media article  
24 that was published in 1975 entitled, "Cambodia Liberated". There  
25 was a certain degree of sympathy among intellectuals following

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1 the arrival to power of the Khmer Rouge in Cambodia and the  
2 destitution of King Sihanouk.

3 Q. Thank you.

4 You just stated that the relatives of your wife and some of your  
5 friends disappeared. Can you tell us, between 1975 to 1979, did  
6 any of your wife's or family members or relatives tell you about  
7 the events that took place in Cambodia, and if so, what were  
8 they?

9 A. Very well. In 1979, one of my brothers-in law was able to  
10 escape with his family. They left Cambodia and they arrived in  
11 the Udong camp before arriving in France. I held many  
12 conversations with many refugees and I arrived at the conclusion  
13 that the situation was very different depending on the region and  
14 depending on the Khmer Rouge official in power. There were some  
15 refugees who were very poorly treated, other regions where the  
16 conditions were not so hard. In some cases, the price to pay was  
17 very heavy.

18 [15.59.52]

19 Q. Thank you.

20 I read your letter, document E190.2.5 on page number 4 in French  
21 - in French, 00809025; Khmer, 00907758. In that letter, you say  
22 that in 1990 you met Khieu Samphan in the block where the Khmer  
23 Rouge lived in Paris. Is that true?

24 A. I met Mr. Khieu Samphan in 1990. I do not recall the exact  
25 date, but yes, it was in the former offices of the Khmer Rouge at

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1 the Place de Barcelone in the building that had been given to the  
2 coalition government. And so that is correct; that is where I met  
3 Khieu Samphan at the time.

4 Q. Thank you. Was that encounter the first encounter with Mr.  
5 Khieu Samphan, and what did you discuss with him?

6 [16.01.47]

7 A. Yes, indeed. It was the first encounter since 1966. We talked  
8 about our families; we talked about what they had become. The  
9 conversation was rather brief, since Mr. Khieu Samphan was very  
10 busy at the time; he was in the midst of preparing the Paris  
11 Accords. I think he was getting ready for a meeting with the  
12 former French Minister of Foreign Affairs, Mr. Roland Dumas. So  
13 my conversation with him was not very lengthy.

14 Q. Thank you.

15 Can you tell the Chamber, please, was the office for FUNK and  
16 GRUNK established in Paris already, and what was the purpose of  
17 the establishment of such office, and who was in charge?

18 A. I'm aware that the offices in Paris, at the Place de  
19 Barcelone, were made available to various governments with which  
20 the Khmer Rouge were involved. It didn't serve as an embassy, per  
21 se; it served as a place to hold unofficial meetings with French  
22 figures or others; that's what I presume.

23 [16.04.06]

24 Q. Thank you. In 1990, were you aware that Khieu Samphan  
25 travelled to this area, the Place de Barcelone in Paris, and if

1 you knew, how did you know about this?

2 A. I do not recall at all how I learned of this. Was it through  
3 other Cambodians, or through French media/newspapers? I do not  
4 remember. However, I do recall having received a phone call and  
5 given an appointment.

6 Q. Thank you.

7 I would like to ask you another question. In 2005 and 2006, you  
8 said you paid a visit to Mr. Khieu Samphan and stayed with the  
9 family in Pailin. How long or how many days did you spend staying  
10 with the family and what kind of topics of discussion did you  
11 have with the family back then?

12 [16.06.08]

13 A. I believe that I spent approximately two to three days in  
14 Pailin in 2005, and I visited Anlong Veang in 2006. We covered a  
15 lot of things, mainly personal matters. We talked about the  
16 living conditions in Pailin, the farming conditions; and in  
17 Anlong Veang, we visited the Preah Vihear Temple. We talked  
18 about this and that, but we never delved into one particular  
19 subject. It would have been almost 40 years since our last  
20 encounter, so we were re establishing our friendly ties before  
21 carrying out deeper and sustained conversations.

22 Q. Thank you. During the time when you stayed with this family in  
23 Pailin and Anlong Veang, did you meet with other Khmer Rouge  
24 leaders? If so, what did you talk to them?

25 A. No. No, I never met with any other Khmer Rouge leader. I



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1 believe that - or at least I was told that Mr. Ieng Sary was in  
2 Pailin, the governor was a former bodyguard. But he orbited in a  
3 very different world than that of Mr. Khieu Samphan. I did not  
4 wish to have any contact with any other Cambodian leaders or  
5 figures.

6 [16.08.32]

7 Q. Thank you. Can you also tell the Chamber, please, what made  
8 Khieu Samphan join the Democratic Kampuchea? Did he ever talk to  
9 you about this objective?

10 A. If you will, I will supplement my answer to the previous  
11 question by saying that during my stay in Pailin and Anlong  
12 Veang, I met with some officials, I met with peasants, I met  
13 with soldiers, I met with Cambodian as well as Thai soldiers, all  
14 of whom held Mr. Khieu Samphan in high esteem.

15 With respect to the question you are asking me now: I know that  
16 Khieu Samphan held what can be called very progressive ideas.  
17 However, he left Phnom Penh in 1967. I was no longer there. He  
18 left with two other members of parliament, Hou Youn and Hu Nim;  
19 those two members disappeared during the 1975 to 1978, '79  
20 period. I'm also of the belief that Mr. Khieu Samphan did not  
21 suffer the same demise as Hu Nim and Hou Youn and that is because  
22 the Khmer Rouge government needed him as a figurehead to serve as  
23 head of state.

24 [16.10.55]

25 Q. Thank you.

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1 I have only three remaining questions before I conclude this  
2 questioning time, and my next question is: Did Mr. Khieu Samphan  
3 explain to you the reason he accepted the position he was  
4 offered, the state – the President of the State Presidium  
5 position and other positions he were holding at that time, did he  
6 ever mention about this to you when you met him?

7 A. We never broached the topic; we never talked about it, but if  
8 he accepted these functions it was because he truly believed it  
9 would be of use for his country and for his people.

10 Q. Thank you.

11 The next question is: You talked about Mr. Khieu Samphan's  
12 personal conduct and his popularity, and you also explained a lot  
13 in your letter and in your testimony that Mr. Khieu Samphan was  
14 the most popular person, the most respectful, and the most  
15 admired individual person who was greatly admired by the people  
16 and that happened even in 1960s.

17 Now, can you tell the Chamber, please, whether such popularity  
18 and quality that you mentioned about Mr. Khieu Samphan remains  
19 the same during the entire period, I mean, over the last 30  
20 years?

21 (Short pause)

22 [16.14.20]

23 I believe that our message was not conveyed. I may ask this  
24 question again.

25 Mr. Witness, you mentioned about Mr. Khieu Samphan's personal

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1 conduct and his popularity, and you explained a lot in your  
2 letter and in this testimony that Mr. Khieu Samphan was the most  
3 popular, respectful, and a person of quality, and he was greatly  
4 admired by the people. And that happened in 1960s.  
5 My question to you is: Do or does this quality of Mr. Khieu  
6 Samphan that you described remain with him over the last 10 years  
7 or has this changed already?

8 [16.15.29]

9 MR. JULLIAN-GAUFRES:

10 A. Well, I noticed, when I was - Pailin and at Anlong Veang and  
11 Preah Vihear, that the officials who had accompanied me in  
12 Pailin, the Cambodian and Thai servicemen that we met close to  
13 the border, they were in a joint mission as well as with the  
14 peasants that we met in Anlong Veang and Preah Vihear, that say  
15 all showed appreciation for Khieu Samphan. I hope - I heard no  
16 insult from these people, nor any form of criticism.

17 MR. CHAN DARARASMEY:

18 I thank you very much, indeed, Mr. Witness, and I thank you for  
19 your responses. I - we believe that your testimony will help  
20 ascertain the truth, and we wish you all the very best. Thank you  
21 very much, indeed.

22 And thank you, Mr. President and Your Honours, for allowing me  
23 the opportunity to put the questions to him. Thank you.

24 [16.17.07]

25 MR. JULLIAN-GAUFRES:

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1 Thank you, Mr. Prosecutor.

2 MR. PRESIDENT:

3 Next, we would like to hand over to the Lead Co-Lawyers for the  
4 civil parties.

5 MR. PICH ANG:

6 Thank you, Mr. President.

7 Counsel Lor Chunthy and Counsel Simonneau-Fort will be putting  
8 questions to this witness.

9 MR. PRESIDENT:

10 You may proceed.

11 MR. LOR CHUNTHY:

12 Good afternoon, Mr. President, and good afternoon, Your Honours,  
13 and good afternoon to everyone.

14 [16.17.53]

15 I am Lor Chunthy from Legal Aid of Cambodia. I am here  
16 representing civil parties.

17 Good afternoon, Mr. Witness. I have some questions for you,  
18 please.

19 MR. JULLIAN-GAUFRES

20 Good afternoon, Counsel.

21 QUESTIONING BY MR. LOR CHUNTHY:

22 Q. I am now referring to your letter in which you mentioned about  
23 your relationship with Mr. Khieu Samphan. And that relationship  
24 was built even from 1957. My first question to you is that - you  
25 said you met Mr. Khieu Samphan in Paris. And Mr. Khieu Samphan

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1 was doing a PhD degree and I would like to know whether you know  
2 what kind of degree was that?

3 [16.19.33]

4 MR. PRESIDENT:

5 Please, hold on, Counsel. We appear to have some technical  
6 glitch. And we will get back to you soon after it is fixed.

7 (Short pause, technical problem)

8 [16.21.25]

9 Counsel, you may now proceed, but please repeat your last  
10 question.

11 BY MR. LOR CHUNTHY:

12 Thank you, Mr. President. And good afternoon again to Mr.  
13 Witness.

14 Q. I would like to now recall the event you mentioned in your  
15 letter that you met with Mr. Khieu Samphan in Paris in 1957 when  
16 he was doing his PhD degree course in Paris. My question to you:  
17 What was the subject of Mr. Khieu Samphan's study for his degree  
18 in Paris?

19 [16.22.26]

20 MR. JULLIAN-GAUFRES:

21 A. Good afternoon. I did not read his dissertation, but I believe  
22 it was on economics. And I believe that the topic was the desire  
23 to development of Cambodia's economy.

24 Q. Thank you. That leads to my next question. You said you knew  
25 what happened on the 17th of April 1975. You learned that Phnom

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1 Penh dwellers were evacuated like the other people in other  
2 cities. And that the evacuation was part of the solution to the  
3 food shortages. Do you share the view that such evacuation would  
4 result in the hardship that the evacuees would encounter? Because  
5 during the course of the evacuation no proper transportation was  
6 provided and people were not offered decent services.

7 (Short pause)

8 [16.24.40]

9 MR. PRESIDENT:

10 The Internet connection is not very good. Can counsel please hold  
11 on?

12 (Short pause, technical problem)

13 Counsel, you may now continue.

14 And, Counsel, please be reminded that time is limited. And you  
15 may have five more minutes, and we add these five minutes to you  
16 because of the technical glitch we had just experienced.

17 BY MR. LOR CHUNTHY:

18 Thank you, Mr. President. I will be very brief, then.

19 Q. I was asking the witness this question, he mentioned about the  
20 food solution and the evacuation. And the question was that, do  
21 you think there would be any other options other than having to  
22 evacuate the people from the cities? Because that would be  
23 resulting in hardship for the people.

24 [16.26.41]

25 MR. JULLIAN-GAUFRES

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1 A. Well, I was not in Cambodia in 1975, but I was there in 1974,  
2 and then the country had been devastated by the civil war. There  
3 was practically no harvest and a great part of the population  
4 sought refuge in the cities and they were supplied by boat and by  
5 plane from the outside, in particular, by the Americans. So the  
6 other solution was for the Russians or Chinese or Singaporeans,  
7 for example, replace the Americans in supplying food to the  
8 population. But this was not the solution that was sought.

9 Q. Thank you. I have my final question due to time constraints.  
10 This last question is: You have had contact with Mr. Khieu  
11 Samphan even before 1957 and recently. Can you describe to the  
12 Chamber whether you can see a change in his behaviour during the  
13 time you met him in 1957 and the last time you saw him?

14 [16.28.40]

15 A. I did not notice any major change. I noticed that he still had  
16 faith in Cambodia and that Cambodia could - faith that Cambodia  
17 would develop. And he was still very patriotic. And if he was  
18 head of state in 1976, it was maybe in part because he was  
19 obliged to take on that position but also because he was trying  
20 to limit the damage that he noticed back then in Cambodia.

21 MR. LOR CHUNTHY:

22 Thank you very much, Mr. Witness.

23 And I would like to now hand over to my colleague to continue  
24 putting the questions. And I thank you, Mr. President.

25 [16.29.52]

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1 MS. SIMONNEAU-FORT:

2 Yes, good afternoon, Mr. President. Good afternoon, Your Honours.

3 Good afternoon to all of you, and good morning to you, Witness.

4 I was - I am going to ask you a few questions on what interests

5 me - that is to say, Mr. Khieu Samphan's role and what became of

6 him from 1976 to 1979 - but you said that you hadn't seen Mr.

7 Khieu Samphan from 1966 to 1990 and you said also that after 1990

8 when you met him, neither you nor he had spoken once about what

9 had happened between '75 and '79 in Cambodia. And you also said

10 that you did not know the details of his life form '75 to '79.

11 Thus I notice that your statement does not provide anything on

12 what Mr. Khieu Samphan was between 1967 and 1979 nor about his

13 role. So, since you cannot provide - shed any light on this, I

14 will not put any questions to you.

15 I still would like to thank you for having made yourself

16 available for today's hearing and I noted however when you

17 answered a question that you had learned something during today's

18 proceedings and I am delighted.

19 [16.31.29]

20 MR. PRESIDENT:

21 Thank you.

22 The National Counsel for Khieu Samphan, you may proceed,

23 MR. KONG SAM ONN:

24 Thank you, Mr. President. I'd like to make an observation

25 regarding the statement made by the International Lead Co-Lawyer



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1 to make her conclusion. And this is not a time to make such a  
2 statement; it is time for questioning the witness. Thank you.

3 MR. PRESIDENT:

4 Thank you for your timely observation, Counsel.

5 Nuon Chea's defence team, do you have any questions to put to  
6 this witness?

7 MR. KOPPE:

8 No, thank you, Mr. President.

9 [16.32.30]

10 MR. PRESIDENT:

11 Thank you, Counsel.

12 Mr. Jullian Philippe, the hearing of your testimony has now  
13 concluded. The Judges of the Trial Chamber and all the parties  
14 have no further questions for you. And we thank you very much for  
15 your valuable time to testify before this Chamber for this  
16 afternoon's session with perseverance and effort. Your testimony  
17 may contribute to finding the truth in this case. And we wish you  
18 all the best, good health, and prosperity. And goodbye.

19 MR. JULLIAN-GAUFRES:

20 Mr. President, Your Honours, prosecutors, lawyers, Mr. Khieu  
21 Samphan, thank you very much for having listened to me.

22 [16.33.55]

23 MR. PRESIDENT:

24 Thank you.

25 AV Unit, you may now disconnect the video conferencing to France.

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1 The Chamber would like now to make an oral decision regarding the  
2 request by the Lead Co-Lawyers on the statement of harms to be  
3 made by the civil parties.

4 Yesterday we heard these oral submissions from all the parties  
5 concerning the request whether the civil party shall be  
6 questioned by the Prosecution or the Defence teams during the  
7 hearing of the statement of harm by the victim which will be  
8 scheduled to be heard from the 27th of May - that is, from next  
9 week.

10 [16.35.20]

11 There have been a mutual consent amongst all the parties, and the  
12 Chamber decides that the parties may question the civil parties  
13 on relevant factual issues subject to the time limitations  
14 already announced. The Chamber wishes to remind the parties that  
15 the general framework for the presentation of civil party  
16 testimony, including the statements of suffering, was set forth  
17 recently in document E267/3.

18 Considering the Co-Prosecutors and Defence will be granted an  
19 opportunity to ask questions, the Chamber will not grant an  
20 additional opportunity to comment on civil party statements of  
21 suffering.

22 The victim impact hearing is scheduled for 27th, 29th, and 30th  
23 May and 4th of June.

24 One session - that is, 75 minutes - will be devoted to each civil  
25 party, with the Lead Co-Lawyers having two-thirds of the time

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1 available in that session, and the remainder is to be divided  
2 among the OCP and the two defence teams.

3 [16.37.17]

4 Any civil party who wishes to put a question to an accused must  
5 do so during the time allocated to the Lead Co-Lawyers.

6 During these four days of testimony, the Chamber will modify its  
7 sitting hours slightly in order to permit two civil parties to  
8 testify in the morning and two other civil parties to testify in  
9 the afternoon. The sitting times will be emailed to the parties.

10 As noted yesterday, the Chamber has agreed to an extension of  
11 time to hear the testimony of the expert TCE-12. He will be heard  
12 on the afternoon of 5th June. The time will be allocated  
13 two-third to the Lead Co-Lawyers, and the remainder, among the  
14 three other parties. No extension of time will be granted to the  
15 Lead Co-Lawyers. This is the oral decision on the request made by  
16 the Lead Co-Lawyers yesterday.

17 The hearing today has come to a conclusion, and we will adjourn  
18 the hearing now and will resume tomorrow - that is, Wednesday the  
19 22nd of May 2013, commencing from 9 a.m. We will hear the  
20 testimony of Prom Sou, who will be questioned by the two defence  
21 teams, starting from Khieu Samphan's team first.

22 [16.39.35]

23 Security guards, you are instructed to take the two Accused -  
24 that is, Mr. Khieu Samphan and Nuon Chea - back to the detention  
25 facility and have them returned to the courtroom tomorrow

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1 morning, prior to 9 a.m. And as for Nuon Chea, bring him to the  
2 holding cell downstairs, which is equipped with the audio-video  
3 communication for him to participate and follow the proceedings.

4 The Court is now in recess (sic).

5 (Court adjourns at 1640H)

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