



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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11 June 2013
Trial Day 192

Before the Judges: NIL Nonn, Presiding
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. RAYNOR	English
MS. SIMONNEAU-FORT	French
MS. SO SOCHEAT (TCW-673)	Khmer
MS. SONG CHORVOIN	Khmer
MR. VERCKEN	French

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 For this morning's proceeding, the Chamber will continue to hear
6 the testimony of the witness, So Socheat.

7 And for the afternoon session, we will hear the testimony of a
8 witness - that is, TCW-648.

9 Mr. Dav Ansan, could you report the attendance of parties and
10 individuals to today's proceeding?

11 THE GREFFIER:

12 Mr. President, for today's hearing, all parties are present.

13 As for Nuon Chea, he is present in the holding cell downstairs,
14 pursuant to the decision by the Trial Chamber concerning his
15 health.

16 The National Lead Co-Lawyer, counsel Pich Ang, is absent for this
17 morning's session due to his personal commitment.

18 As stated by you, Mr. President, this morning we will continue to
19 hear the testimony of witness So Socheat. And for the afternoon
20 session, we will hear the testimony of TCW-648. TCW-648 already
21 took an oath this morning, and confirmed to his best knowledge
22 and ability he has no relationship by blood or by law to any of
23 the two accused.

24 [09.06.07]

25 That is, Nuon Chea and Khieu Samphan, Nor to any of the Civil

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1 Parties recognized in this case. Mr. Mam Rithea would also be the
2 duty counsel for this witness. For today's proceeding, we also
3 have a reserve witness. That is pursuant to the memorandum of
4 understanding. That is document E266/3 and 266/83.

5 MR. PRESIDENT:

6 Thank you. The floor is now given to the Prosecution to put
7 questions to this witness. You may proceed.

8 Please wait. I think Judge Lavergne has some questions for this
9 witness. Judge Lavergne, please proceed.

10 [09.07.18]

11 QUESTIONING BY JUDGE LAVERGNE:

12 Yes, indeed. Thank you, Mr. President. Good morning, Ms. So
13 Socheat. I do have a number of questions that I would like to put
14 to you this morning to supplement what you said yesterday.

15 Q. My first questions concern the civil status of your family. At
16 the request for release of your spouse, his lawyers submitted a
17 certain number of documents to the Chamber. Those include a copy
18 of a family registration certification, E275.8, and that
19 registration is made out in the name of Sy Lang, S-Y L-A-N-G.

20 And on page 3, it sets down Mr. Khieu Samphan's alias as being Sy
21 Lang. Is this factual? And if so, how long now has he been called
22 Sy Lang?

23 [09.08.56]

24 MS. SO SOCHEAT:

25 A. Sy Lang is a name used by his siblings and relatives at home.

3

1 So that name was used, and then we put in the brackets that's the
2 name known within the family.

3 Q. It's not his official name, Madam. The name that he may use in
4 his family is not his official name, and therefore since when has
5 Mr. Khieu Samphan been using the name Sy Lang in official
6 documents, and why?

7 A. When we went to stay to live at Pailin, we made that family
8 book. And we actually used that name and with the brackets we put
9 his name Khieu Samphan, and we consulted with the officials – the
10 registry officials. And then they said that that is okay to use
11 it. That's why we used it in that way.

12 [09.10.38]

13 Q. Very well. Let's move on to something else. On this
14 registration certificate, four children appear to be listed. The
15 first is a boy, and unless I'm mistaken, you told us yesterday
16 that he was born on the 4th of May, 1974, but on this official
17 document he's declared as being born on the 6th of June, 1974. So
18 which is accurate? The testimony you gave us yesterday, or what
19 it says on the official document?

20 A. My son was born, but he just used the date of birth by himself
21 in his ID card. And I made the family book later on, and I did
22 not ask him what date of birth he used. And then he told me,
23 that's the date of birth that he used for his ID card. But, in
24 fact, my son was born on the 4th of May, 1974. But the date of
25 birth in that book was used by my son by himself in his ID card,

4

1 and for that reason I followed what he used in his ID card.

2 [09.12.25]

3 Q. So, the eldest of your children, as you told us yesterday,
4 unless I'm mistaken, was sent to a children's unit at the age of
5 three, where he was permanently catered for. I'd like to know who
6 took the decision to send your child to a children's unit. Did
7 anybody ask you for your opinion? Was the decision taken by your
8 husband? Was it simply imposed on you? Were you able to contest
9 it? How did all of that happen?

10 A. In the office, at that time, the decision was made by the one
11 who supervised the office. And that applied also at the K-3
12 office. They in fact asked us some questions, but we would not be
13 able to refuse their request. And that applied in general to
14 everybody, as the mothers would have to work, and we had to tend
15 our children at the child-care.

16 Q. Yesterday, you told us that your child came back to see you
17 from time to time. You said that the child was unhappy and didn't
18 want to leave you. Who forced the child to leave you and go back
19 to the children's unit? Who?

20 [09.14.35]

21 A. When my child came to work, for example, to stay with us for
22 one week, then we had to return him back within one week period.
23 And that would mean it's easier for the mother to work. I
24 requested for my child to come and visit me, and I had the
25 responsibility to return him within the period that I requested.

5

1 Q. Was he forced to go back? And if he was forced to go back, who
2 was doing the forcing?

3 A. Nobody forced, because I made a request for him to visit me
4 for one week. And of course anybody's children would not want to
5 go back. But when the time was up, I had to return him, as nobody
6 would be looking after him while I would go to work. And that's
7 what I told my son. I had him for one week, and I had to return
8 him back.

9 Q. At any point in time, did your husband show any disagreement
10 with what was imposed on your 3-year-old? Did he complain, or did
11 he just obey Angkar?

12 [09.16.37]

13 A. Yes, he made some complaints with me, but that was the rule at
14 - where we stayed. And the rule applied to everybody, and we
15 could not do anything else.

16 Q. Did he complain to the person who was in charge of K-1, K-3 -
17 and if so, who was that person?

18 A. No, he did not complain to others. He only complained to me.

19 Q. Where was your son when Phnom Penh was evacuated in 1979?

20 A. Mr. President, I am not clear on the question, when it comes
21 to the liberation of Phnom Penh in 1979.

22 MR. PRESIDENT:

23 Judge Lavergne, could you please repeat your last question, as
24 the witness seems not to understand it.

25 [09.18.26]

6

1 BY JUDGE LAVERGNE:

2 Q. Ms. So Socheat, yesterday you said that you had a third child
3 a very short while before Phnom Penh was taken by the Vietnamese
4 in January 1979. And the question I'm asking you was; where was
5 your son when Phnom Penh was taken in 1979?

6 MS. SO SOCHEAT:

7 A. My son was at the children's centre at the time.

8 Q. So neither your husband nor you yourself were looking after
9 your son?

10 (No interpretation)

11 JUDGE LAVERGNE:

12 I didn't catch that answer. Perhaps you could repeat.

13 MS SO SOCHEAT:

14 A. When the Vietnamese attacked Kampuchea, my son was at the
15 children's centre, but before I left I went to pick him up. And
16 then we left together. And that was in the afternoon of the 6th.
17 I picked him up, and then we left.

18 [09.20.27]

19 Q. After that older son comes a second child, a daughter, who was
20 born on the 19th of September, 1976. Or that at least is what the
21 document says. Can you confirm that date of birth to us, or not?

22 A. Could you please clarify? Is it the 13th? I think it's the
23 13th, not the 18th.

24 Q. So, she was born in September 1976, and you're telling me the
25 13th of September, is that right?

7

1 A. Yes, that is correct.

2 Q. Alright. Yesterday, Madam, you told us that your daughter
3 spoke with you and thanks to her you were able to understand the
4 kind of work that your husband was doing during the Democratic
5 Kampuchea era. And I believe you said that your husband walked
6 along with his daughter, and together they went to visit
7 warehouses, where there was equipment and provisions stored. Is
8 that correct?

9 [09.22.29]

10 A. No, that is not correct. In fact, she went to his workplace in
11 K-3, not to the warehouse. At K-3, there was warehouse. The
12 warehouse was located elsewhere, and he took my daughter only to
13 his workplace at K-3.

14 Q. Alright. Well, unless I'm mistaken, your daughter was barely
15 28 months old, in 1979, in January, so what was she able to tell
16 you about your husband's work that you yourself had not yet
17 understood. What did she tell you? These great long sentences,
18 did it dwell at great length on this, or how was it?

19 [09.23.35]

20 A. She did not tell me - at that time my daughter was a little
21 bit more than one year. She could speak some words. She was
22 playing on her own. And by herself - she was playing and
23 pretending to speak on the phone by using a piece of stick as a
24 phone. And she said "no, no". She did not formally tell me, but I
25 could only hear her speaking some words while playing by herself.

8

1 Q. I need to understand this. Was it, or was it not, thanks to
2 your daughter that you understood what your husband did during
3 the Democratic Kampuchea regime? Isn't that what you told us
4 yesterday?

5 A. I heard my daughter, while she was playing by herself, saying
6 some words, and then I asked why she kept saying "no, no". And
7 then my husband told me he asked the staff to prepare goods for
8 the people at the base. He told me - that is, my husband told me,
9 but not my daughter. But upon hearing what my daughter said, I
10 asked my husband, and he told me.

11 Q. What did he tell you?

12 [09.25.44]

13 A. Sometimes he was busy. He has to go ask people to prepare the
14 goods. And sometimes he would tell me that they would be busy to
15 prepare some goods for the base, so that he could not bring the
16 daughter with him. So, mainly, he told me about him preparing
17 goods for the base. But, at his office itself, no goods were
18 stored. There was another warehouse located elsewhere. But, upon
19 receiving instructions for goods to be prepared, then he would
20 ask the staff to prepare those goods.

21 Q. Very well. Let's come back to the activities of your husband
22 and what you know about that at a later stage.

23 Two further children are written down; a daughter born in '84 and
24 a son in '87, and you told us that you also gave birth to another
25 child. And that was the child that was born at the start of 1979

1 and who unfortunately died a little later. Is that correct? I
2 think you told us that he passed away at the age of 7 months. Am
3 I right?

4 [09.27.32]

5 A. Yes, that is correct.

6 Q. With respect to you, yourself, I have noted that you come from
7 a village - pardon my pronunciation - called Kok Poun, which is
8 in the Preah Vihear province. During Democratic Kampuchea, was
9 that area known as Sector 103?

10 A. Yes, it is.

11 Q. Can you tell me how long the Preah Vihear region had been
12 liberated for by the revolutionary forces?

13 A. I cannot recall the exact period. However, it was about one
14 month or two months after - or, in 1970. But I cannot recall the
15 exact period. And that was the time that my village was
16 liberated.

17 Q. But was that before or after the announcement that Prince
18 Norodom Sihanouk had been dethroned?

19 A. It was after.

20 Q. Can you tell us a little bit about that moment of liberation,
21 and can you tell us in particular whether the inhabitants of
22 Rovieng were evacuated?

23 [09.29.50]

24 A. No, there was none.

25 Q. What do you mean? Do you mean that there was no evacuation?

10

1 A. No. At that time, there was nobody living?

2 Q. Were the inhabitants of Rovieng town evacuated at any moment
3 in time?

4 A. At that time, I didn't know whether or not there was
5 evacuation, because I did not understand the situation. I did not
6 know whether evacuation was undertaken.

7 Q. Were the monks still in the pagodas, or they had been forced
8 to leave the pagodas?

9 A. Back then, I still saw monks in pagodas. They had not left
10 pagodas yet.

11 [09.31.29]

12 Q. And when did they leave the pagodas? At the time of your
13 marriage, were there still monks in pagodas?

14 A. When I got married and I resided in jungle, I did not have a
15 chance to go to the village, so I did not know about all of this.

16 Q. Did you notice that cooperatives were being established? At
17 the time when you yourself went into the jungle to join the
18 revolution, had cooperatives been established?

19 A. No, they had not been established yet.

20 Q. When did you become aware of the establishment of
21 cooperatives?

22 A. My apologies, Your Honour. All of this I do not recall because
23 I was not a politician back then. I was only a cook at that time.
24 I did not know the existence of cooperatives and when they were
25 first established.

11

1 Q. Where was the food you used to cook – come from? Did it come
2 from individual peasants or from cooperatives?

3 A. As for the food, the food stuffs we prepared into dishes – I
4 did not know where they came from. Whenever they brought it for
5 me, they did not tell me where they had taken it from. They just
6 put it for me, and then I had to prepare food at that time. That
7 was it.

8 [09.34.13]

9 Q. Now, regarding the food you prepared; we're going to talk
10 about where the leaders lived, on the banks of the Chinit River.
11 Was it called B-17?

12 A. At that place, I did not know what it was called. But
13 generally I knew that it was called Chinit office. I did not know
14 the code-number of this office.

15 Q. Is there a place called B-17, which is not the Chinit office
16 you referred to?

17 A. Yes, there was.

18 Q. And where was B-17 located?

19 A. B-17 was located back then in Samraong village, Steung Trang
20 district. I do not recall the commune, but it was located in
21 Steung Trang district, Kampong Cham province.

22 [09.35.55]

23 Q. Now, in the Chinit office, in B-17, at B-20 or elsewhere, were
24 meals eaten in common?

25 A. Yes, at that time we ate communally.

12

1 Q. Was any form of collectivization practiced at those locations?

2 A. Apparently, there wasn't.

3 Q. Yesterday, you told us that when you met Mr. Khieu Samphan,
4 all you knew was that he was an intellectual. Did you ever hear
5 of a document titled "Statement by Patriotic Intellectuals",
6 signed by 91 intellectuals who had sought refuge in the liberated
7 zone? Did you ever hear of any such statement?

8 A. No, I did not.

9 Q. Did you ever have to discuss with your future husband or your
10 husband his role - that of the other leaders - and what the
11 revolution was all about?

12 A. My husband never discussed the leadership of the revolutionary
13 forces. He only discussed with me his personal matters.

14 [09.38.32]

15 Q. Was the revolution not something of some concern to you? Was
16 it not worthy of concern?

17 A. My apologies, Your Honour. I am afraid I don't get your
18 question.

19 Q. You went into the jungle to join the revolution and experience
20 the revolution. You underwent training sessions. Those training
21 sessions were conducted by a person called Yen. So I suppose that
22 you were committed to the revolution. You were not in the jungle
23 by chance. Did you discuss your respective revolutionary
24 commitment together - or it wasn't something of interest to you?

25 A. They did talk about revolution, and my husband also discussed

13

1 the revolution, but what was important at that time - the
2 rationale behind our revolutionary commitment - was to attack the
3 imperialist power and our aggressors in order to liberate our
4 country. And nothing else, other than what I have described, was
5 discussed.

6 [09.40.41]

7 Q. Was it a matter of discipline, Madam? Do you know what I mean
8 by discipline? Was it important to obey Angkar?

9 A. To the best of my knowledge, I could only describe as what I
10 said. At that time, when I first joined the revolution, this was
11 the commitment. We discussed the counterattack against the
12 imperialist power, and struggle and resistance against the
13 imperialist power, and in order to win, we have to be willing to
14 sacrifice. And when I joined the revolution at that time, I was
15 convinced, because I witnessed by myself that there was
16 imperialist forces invading our country. There was coup d'états.
17 These would all be pre-existing conditions that induced me to
18 joining the revolution. That's what I knew from the event at that
19 time.

20 Q. I am sorry, Madam, you have not answered my question. My
21 question to you was as follows. Was discipline something
22 important to you? Did you have to obey Angkar, or you had to
23 discuss or argue whatever was said as instructions?

24 [09.42.32]

25 A. Of course, discipline was an important factor as well.

14

1 Discipline was meant for all comrades, all members to be abided
2 by. And we had to be self-disciplined, and in each place we had
3 to behave properly. And this was an important factor, of course.

4 Q. During that period, did you ever hear your husband voice
5 doubts, concerns, or ask questions, or you always saw him as
6 someone who agreed with the leaders who were with you at the
7 office in Chinit, at B-17, and at any other location?

8 A. At that time, I did not pay attention to it. I only minded my
9 own business. I carried out my day-to-day task. I did not pay
10 attention to such things. I did not even pay attention to what he
11 did, and I did not know what he did. Whether or not he raised any
12 concerns or things like that.

13 [09.44.14]

14 Q. When did you learn that your husband fulfilled important
15 positions - vice-prime minister of the GRUNK, commander-in-chief
16 of the revolutionary armed forces? When did you get to know that?

17 A. Never. Never had I known such positions that he held, because
18 he had never told me about it. And particularly people around me
19 at that time considered him as one of the intellectuals, and they
20 did not consider him as somebody in an important position. They
21 did not know that he was holding the position of prime minister
22 or the commander-in-chief. That I did not know at the time. He
23 did not tell me. He told me that he was not somebody important in
24 the leadership. That's what he told me at that time. So we did
25 not consider ourselves as a senior official. I, myself, regarded

15

1 myself as an ordinary citizen.

2 Q. Madam, can anybody who welcomes Prince Norodom Sihanouk in
3 1973, when he visited the liberated zone, be called an ordinary
4 person? Or did you hear at that time that your husband held
5 important positions?

6 A. Back then, his position was not important. He was not a senior
7 leader. At that time, it was a mere front – a front that garnered
8 forces to welcome the former king. And nobody regarded as
9 somebody in influential position.

10 [09.47.17]

11 Q. Who welcomed the former king? Who welcomed the former king?
12 Was that person Pol Pot, Nuon Chea, or your husband?

13 A. At that time, Pol Pot was also present. And Mr. Khieu Samphan
14 was also there to welcome the former king.

15 Q. Who was at the head of the front to welcome Prince Norodom
16 Sihanouk? Was that person Pol Pot or your husband?

17 A. At that time, I did not pay attention to it. I did not know
18 who was the leader of the front, who went to welcome Prince
19 Sihanouk.

20 [09.48.37]

21 Q. Madam, yesterday you stated that, at the time of that visit,
22 you were at the service of Prince Norodom Sihanouk. You were
23 therefore at the very forefront, such as to be able to see what
24 was happening. Was your husband not the person who was officially
25 in charge of welcoming Prince Norodom Sihanouk?

16

1 A. At that time, I was in charge of the kitchen. I prepared food
2 and prepared rooms for them. When they went to - on - when they
3 went on their official duties, I did not accompany them.

4 Q. Did you hear the terms "Central Committee", "Standing
5 Committee", "Congress of the FUNK"? Did you hear or see your
6 husband writing speeches?

7 A. Back then, I did not know all about this, because I was - my
8 job was confined to only preparing foods for them. I was not a
9 politician. I did not know my husband's work.

10 Q. I would like to understand something, Madam. Were you not
11 interested in such matters, and were you completely useless? Or
12 you had occasion to put questions to your husband?

13 A. I am of the view that this sort of thing - I did not take
14 interest in, because I, at that time, worked in the kitchen. I
15 prepared food for my husband and other, and I did not bother to
16 ask him questions about the nature of his work. We had our
17 responsibility to undertake at that time.

18 Q. Very well. When your husband left - perhaps you were not aware
19 of that, but he went to China and elsewhere. Were such matters or
20 interest to you? Did he consider them of interest to you? Did he
21 talk to you about them? Or he never talked to you about them?

22 [09.52.19]

23 A. This was solely his job. I did not know. He only told me that
24 he went to China to meet with the Prince.

25 Q. And that is all? He would say "I am going to meet the Prince;

17

1 I do not know when I will come back"? Is that all he told you?

2 A. That was it. He never mentioned when he would return back
3 home.

4 [09.53.12]

5 Q. Did you perchance ever hear of the so-called "Seven
6 Super-Traitors"?

7 A. No, I never heard of it.

8 Q. Yesterday, you stated that, prior to the 17th of April, you
9 were at K-17, and then at B-20, and you subsequently said that,
10 shortly after the birth of your first child, you relocated to the
11 Meak office. I didn't quite understand your testimony. Is there
12 an office called the Meak office? And if yes, what is it all
13 about? After the birth of your first child, where were you
14 located?

15 A. After the birth of my first child, I stayed in Office 24,
16 K-30, and then to B-17.

17 Q. Yesterday, you also stated that, approximately 10 to 15 days
18 before the fall of Phnom Penh, your husband left you, saying that
19 the fall of Phnom Penh was imminent. Is that correct?

20 A. Yes, that is correct.

21 Q. Did he tell you what was going to happen at the time of the
22 fall of Phnom Penh?

23 A. He did not tell me anything.

24 Q. And it was not of any interest to you?

25 A. At that time, this was an important event, so it was the task

18

1 of the leaders of the politicians. So I was not involved. I only
2 knew my areas of responsibility. And whether or not the date was
3 important, I had to only focus on my work.

4 [09.56.39]

5 Q. Yesterday, you also stated that – I believe this is what you
6 said – that approximately one week before the fall of Phnom Penh,
7 when you were still at Steung Trang, Khieu Samphan came to meet
8 you, and spent the night with you. Is that correct?

9 A. No, it was not in Steung Trang.

10 Q. When did you see your husband again, after the fall of Phnom
11 Penh, and where?

12 A. A week later, I went to meet him in Sdok Taol village. We
13 stayed overnight over there – one day and one night.

14 Q. And that was how long after the fall of Phnom Penh?

15 A. It was about a week after the fall of Phnom Penh

16 [09.58.14]

17 Q. And how did you hear about the fall of Phnom Penh?

18 A. At that time, I knew that fighting had been going on. On one
19 side, it was the revolutionary forces, and on the other side it
20 was opponent force. And the revolutionary conquered the war, so
21 Phnom Penh fell. That's what I knew.

22 Q. Madam, did you know that Phnom Penh, like other times a
23 priori, had been evacuated? Did you ever hear about the
24 population of Phnom Penh being obliged to leave the city and
25 evacuate it down the highways?

1 A. At the beginning – that is, immediately after the liberation –
2 I did not know about that, or anything about the evacuation. I
3 thought the people would stay put. But upon my arrival at the
4 railway station, everything was so quiet. And then I realized
5 people had been evacuated.

6 Q. We'll come back to the point where you came to Phnom Penh, but
7 before that I'd like you to tell us if you husband, Mr. Khieu
8 Samphan, shared with you his understanding of the fall of Phnom
9 Penh. Did he tell you how the events unfolded? Did he tell you
10 what happened? Did he tell you what your future was going to be?

11 [10.01.12]

12 A. He never spoke about what would happen in the future. And that
13 – I minded my own work, and he minded his own work.

14 Q. Madam, do you know if your husband had a family, a mother,
15 brothers and sisters, friends, living in Phnom Penh? Did he talk
16 to you about them? Did he tell you what had happened to them?

17 A. Later on, yes, he spoke about that. About his relatives who
18 were evacuated.

19 Q. When did he tell you about this?

20 A. I cannot recall the exact time, but it was after we had stayed
21 in Phnom Penh for more than a year.

22 Q. So for more than a year Khieu Samphan lived by your side,
23 knowing that his family, his brothers and his sisters, had been
24 evacuated from Phnom Penh and it didn't affect him in any way?
25 You didn't see any change? You didn't ask any questions, didn't

1 wish to know where they were?

2 A. He talked about that with some concerns. In particular, his
3 family members who had been evacuated, he said he didn't know
4 where they had been evacuated to. That's the extent to what he
5 said. However, he added that things should be okay for them,
6 since they would be given a shelter, is what he told me about.

7 [10.04.37]

8 Q. And he told you this after a year had gone by?

9 A. Yes.

10 Q. Let's come back to your time in Phnom Penh. Yesterday, Madam,
11 if I was listening to your testimony correctly, you described
12 some pretty arduous living conditions; meals that were more than
13 frugal, accommodation without any comfort, without furniture. Is
14 that what we should be understanding? Did you lack for food at
15 any time during that time in Phnom Penh?

16 A. To me that kind of shortage was not a big problem.

17 Q. Madam, did you see any people, children, infants, old people,
18 dying of hunger? Did you ever witness this around you, in your
19 entourage?

20 A. At that time I did not go anywhere to witness anything or to
21 hear anything about that. The place where I stayed was quiet.

22 [10.06.55]

23 Q. In the Silver Pagoda, or in K-1, or in K-3, did people eat
24 communally? Did everybody eat the same food as Nuon Chea, as Ieng
25 Sary, as Vorn Vet, or whoever? Was it the same food and the same

21

1 meals for everybody?

2 A. Yes, the same food for everybody.

3 Q. So the food was inadequate. That's what I understood yesterday
4 from what you were saying; is that correct? Did you notice if
5 Ieng Sary or Nuon Chea became thin and was starting to suffer
6 from malnutrition during those times?

7 A. At that time, in general, the food was not that shortage.
8 However, because the war had just ended, so we would eat what we
9 had, and that was it.

10 [10.08.57]

11 Q. Did your husband ever tell you that sometimes he had some
12 rather good meals, that he attended banquets for example? Were
13 you aware that there were banquets in Phnom Penh during the
14 Democratic Kampuchea era?

15 A. At that time it seemed that my husband did not have any
16 delicious meals and he never spoke about the banquet.

17 Q. Mr. President, I'm wondering if the AV service can put a
18 certain number of photos on the screens, E190.1.143, E190.1.178,
19 E190.182, and E190.1.122. Will it be possible to display these
20 pictures in succession on the screen, please?

21 THE PRESIDENT:

22 Yes. Court officer, please present those photos on the screen.

23 (A short pause)

24 [10.11.58]

25 BY JUDGE LAVERGNE:

1 Q. Well, while the technical side is getting ready we might come
2 back to another question. You explained very carefully to us
3 about the difficulties you faced in living in K-1 and K-3, but
4 what I'd like to know, Madam, is if you ever went to the former
5 house of your husband's family? I mean the house where your
6 in-laws lived when they had to leave Phnom Penh, did you ever go
7 and see that house yourself?

8 MS. SO SOCHEAT:

9 A. No, I did not.

10 Q. Didn't you have a set of keys?

11 A. I did not know where his house was located.

12 Q. So you never went there, is that right.

13 A. Yes, that is correct.

14 [10.13.34]

15 Q. Mr. President, would it be possible to give Ms. So Socheat
16 document E3/385? This is the record of an interview with a
17 witness that we are going to be hearing shortly. For that reason
18 I can't give the person's name, but I believe that Ms. So
19 Socheat's counsel can tell her who that individual is and she can
20 tell us if she knows the witness. So I'm asking if this document
21 can be handed to Ms. So Socheat.

22 THE PRESIDENT:

23 Yes. Court officer, could you deliver the document from the Judge
24 for the witness' examination, and duty counsel, please indicate
25 the relevant name of the person and whether she knows or not, and

1 please do not mention the name.

2 (A short pause)

3 [10.15.37]

4 BY JUDGE LAVERGNE:

5 Q. I certainly don't want you to read that entire record, Madam.

6 I'm just asking you if you know the person concerned. Have you
7 heard of this person, do you know who it was?

8 MS. SO SOCHEAT:

9 A. I knew a person by Choeung, but I do not know whether that
10 person's full name was Leng Choeung because the Choeung I know
11 was his driver.

12 Q. Well, we were trying to avoid giving the person's name, but I
13 think it's a bit late now. So this is indeed the record of an
14 interview with Leng Choeung and this person was your husband's
15 driver. So you said you knew a driver called Choeung, is that
16 right?

17 A. Yes.

18 Q. So this is what Choeung says: "I often went with Khieu Samphan
19 to see his mother who was living near Boeng Keng Kang. In that
20 house there didn't seem to be a place to work. There was a little
21 table, a sofa for the guests, and a hammock in which they
22 relaxed. There was no personal secretary, nor was there anybody
23 to answer the phone. But inside the house there was a fixed line
24 telephone for him to use. When he went to work he locked the
25 house and he and his wife, Rin, had possession of the keys."

1 [10.17.58]

2 Now, does this remind you of anything, or nothing whatsoever?

3 A. That was the time that we were living at K-3. That house was
4 prepared for us at K-3. It's the house the Choeung spoke about.

5 Q. Well, why a moment ago, did you say that you never visited the
6 house of your in-laws?

7 A. I went to visit the house of my mother-in-law, but it was not
8 his house. It was the house that was prepared for him and some
9 months later she was brought in to live in that house and I went
10 to visit her. My apologies. You referred to the house that Khieu
11 Samphan stayed in Phnom Penh, but I did not know about that
12 house. But when Choeung said in this statement was the house that
13 he stayed in after the liberation of Phnom Penh.

14 Q. Did you meet your mother-in-law, yes or no?

15 A. Yes, I did.

16 [10.20.27]

17 Q. When Phnom Penh was evacuated did she hide? How was she found?
18 How was your husband able to get back into contact with his
19 mother?

20 A. To my understanding his wife went searching for him at the
21 pagoda, and then she went to the villages to look for him, and
22 actually, she met him in the forest.

23 Q. If I have this correctly, your mother-in-law left Phnom Penh
24 before the evacuation of the city and did she leave the capital
25 city before or after the 17th of April?

1 A. She had left before that.

2 Q. So she met up again with her son. Where did this happen, in
3 K-17, B-20, Stueng Trang, Chinit, where?

4 A. It was at 17, after I delivered my child, she also came.

5 [10.22.33]

6 Q. And how did she know where to find your husband? Had Khieu
7 Samphan asked his mother to come and join him?

8 A. As he told me, his mother could not live in Phnom Penh because
9 her son already had left. So she went to look for him in the
10 pagoda, and later on to the villages, and then to ride on an ox
11 cart with the people that she knew, and continue her journey. And
12 it was likely that people who were living in the liberated zone
13 knew about her son. So it seems that she did not know where her
14 son was, but she was led to meet her son by the people who knew
15 her and who knew Khieu Samphan.

16 Q. Did your mother-in-law try to find out where her other
17 children were after the evacuation of Phnom Penh, after the 17th
18 of April, 1975? Do you know what happened to them, your
19 brothers-in-law and your sisters-in-law?

20 [10.24.45]

21 A. After the liberation he tried to look for the family members
22 and he actually spoke to me that he was rather concerned. He did
23 not know the whereabouts of his mother.

24 Q. I don't think we're getting very far with this. Let's change
25 the subject. You told us that you didn't have the chance to leave

1 Phnom Penh; is that true? During the period of Democratic
2 Kampuchea, did you stay in Phnom Penh for the whole time, or did
3 you ever get an opportunity to travel?

4 A. I never went anywhere. However, occasionally I went to places
5 nearby where I stayed to visit my mother or to K-1 office.

6 Q. But when you say your mother, you mean your own mother or your
7 mother-in-law?

8 A. I visited my mother-in-law.

9 [10.27.08]

10 Q. Did you ever accompany your husband when he went on visits to
11 the rural areas with Prince Norodom Sihanouk and his wife? Did
12 you ever do that?

13 A. No, I did not.

14 Q. Record of interview with Mr. Kim Vun, Document E3/380, ERN in
15 French, 00485434; ERN in English, 00365646. This witness tells us
16 as follows: "When Samdech Sihanouk and Samdech Penn Nouth went to
17 the cooperatives I saw Khieu Samphan and his wife going with them
18 everywhere. I saw all of these things because I was seeking to
19 acquire information in the cooperatives. I met them out there by
20 chance."

21 So is the witness getting it wrong, Madam?

22 A. I never for once went with Samdech and his wife, or with Penn
23 Nouth. Not even once. I did not even meet them in person. I don't
24 really know what this - the person who made this statement made
25 with, could be somebody else.

1 [10.29.35]

2 THE PRESIDENT:

3 Thank you, Judge Lavergne, and thank you, witness. We will have a
4 20 minute break and return at 10 to 11.00.

5 Court officer, could you assist the witness during the break and
6 have her return to the courtroom at 10 to 11.00. The Court is now
7 adjourned.

8 (Court recesses from 1030H to 1051H)

9 MR. PRESIDENT:

10 Please be seated. The Court is now back in session. Once again
11 the floor is given to Judge Lavergne to put questions to this
12 witness. You may proceed Judge.

13 BY JUDGE LAVERGNE:

14 Thank you Mr. President. May I now request that the full
15 photographs I referred to earlier on be placed on the screen
16 beginning with photograph E190.1.143.

17 Q. Madam could you please tell us whether you know anyone on this
18 photograph?

19 [10.53.44]

20 MS. SO SOCHEAT:

21 A. In this photo I recognize Khieu Samphan and Ieng Sary.

22 Q. In principle he is at a banquet and in principle he looks
23 healthy regarding Ieng Sary I don't know whether that photograph
24 can be placed on the screen again. Unless I am wrong Mr. Ieng
25 Sary was the second from the left on that photograph? Very well,

1 Mr. Ieng Sary was indeed second from the left. Isn't it?

2 A. Yes.

3 Q. And was your husband in the middle?

4 A. Yes that is correct.

5 Q. Let us look at another photograph, E190.1.178. If it is
6 possible may I request that this photograph be kept on the
7 screen? Madam can you tell us whether you know anyone on this
8 photograph?

9 [10.56.29]

10 A. I recognize Khieu Samphan and another person is probably Nuon
11 Chea although I am not 100 per cent sure.

12 Q. Now it looks as if Nuon Chea is indeed to the right. And in
13 the middle is your husband seated on a couch. The other
14 photograph is E190.1.182. Same question do you recognize anyone
15 on this photograph?

16 A. I recognize Ieng Sary and Khieu Samphan.

17 Q. Indeed that is what we find on the photograph. And the last
18 photograph is E190.1.122. There we are, who do you recognize on
19 that photograph?

20 A. I recognize Ieng Sary.

21 Q. Yes Khieu Samphan on the far left, Ieng Sary in the middle.
22 Now you tell us Madam that your husband didn't go to banquets and
23 eat lavish meals do you wish to stand by what you said earlier?

24 [10.59.35]

25 A. Yes I still stand by my statement because I didn't know about

1 these parties.

2 Q. All right let's talk now a little bit about the atmosphere
3 that reigned in K-1 and K-3. And I mean the working atmosphere
4 and the kind of relations that prevailed between Khieu Samphan,
5 Nuon Chea, Pol Pot and Ieng Sary and others who were working
6 there. Was it a rather relaxed atmosphere? Did you see these
7 people ever get angry, express disagreements? Did your husband
8 say he had misgivings or fears? Tell us about the atmosphere.

9 A. The atmosphere was normal. Nobody was fearful.

10 Q. Thank you, I would like to read an extract from a book written
11 by your husband. It's document E3/18 and it's the book about the
12 recent history of Cambodia and the positions I took. In French
13 ERN its 00595436 to 37 and in English 00103754 to 55 and I'm
14 afraid they don't have the ERN in Khmer. Mr. Khieu Samphan is
15 describing the meetings of the standing committee that he
16 attended and he describes them as being comparable to meetings of
17 friends or meetings among families. And he even adds very often
18 these meetings take on a jovial atmosphere. Now when Mr. Khieu
19 Samphan came home from work did he tell you the different jokes
20 that he had heard?

21 [11.02.40]

22 A. I cannot recall everything but it happened sometimes. He spoke
23 about the people who sold the watermelons and about other trivial
24 things and he laughed. And that somebody made a joke about this,
25 about that, about selling watermelon. That somebody made a profit

30

1 from selling a watermelon but there were no other major things.

2 Yes there were a lot of jokes but I cannot recall all of the
3 jokes.

4 Q. All right, in continuing his description he says, "Even after
5 the arrest of the one of the members of the central committee and
6 later again of one of the members of the standing committee,
7 trust in Pol Pot did not seem to be diminished. Each one of these
8 disappearances seemed to be seen as a unique case and probably,
9 in the eyes of those who were within the circle of confidence,
10 justified." Did your husband ever share with you and thoughts
11 when one or another person within your entourage disappeared?

12 [11.04.50]

13 A. He told me after, he told me about Hu Nim, and Hou Youn who
14 were his close friends. And he said the truth should not have
15 been disappeared.

16 Q. Why shouldn't the person have disappeared and what does
17 disappearing actually mean?

18 A. At that time I did not pay much attention to disappearance
19 because everybody had his or her respective place to stay. And I
20 did not know whether they went here or there or they went to work
21 elsewhere.

22 Q. Did you have any interest in knowing what happened to your
23 husband's friends? Or were you no more interested in them then
24 you were in the members of your in-laws family?

25 A. Later on he recalled the event and why they did that. He had

31

1 these questions and he talked to me about that. Why they did so
2 and so. And he did not speak about anything else.

3 [11.06.59]

4 Q. Let's turn now to your own family, Madam. You told us that you
5 come from a region called Section 103 during the Democratic
6 Kampuchea Regime. Were you ever told about purges occurring in
7 Sector 103? Were you ever told about the fact that certain
8 members of your family had been arrested? Were you told about the
9 bad treatment that was meted out to them and if you did hear
10 about this can you tell us how?

11 A. At that time in Sector 103 I did not know anything at all.
12 Even the fate about my family members I did not know about their
13 arrest. And only one year later I learned about it.

14 Q. When was that and how did you find out?

15 A. One day they were released and - it was in 1978, it was almost
16 the time that the Vietnamese arrived. At that time one of my
17 relatives who were detained was actually previously worked at
18 K-1. I was told that my elder relative had been arrested and
19 placed at Takhmau and I asked who that person was. And I was told
20 there were elder and younger brothers. And other cousins who were
21 arrested and I learned about that at the time.

22 [11.09.50]

23 Q. I'm going to read another part of your husband's book on the
24 recent history of Cambodia. In French it's 00595513 , in English
25 its 00103793. And in this book your husband says that you broke

1 down in tears hearing about the atrocities committed against your
2 brothers and relatives and other people. Is that factual?

3 (No interpretation)

4 Q. I didn't hear the translation of your answer Madam. I seem to
5 understand that you are saying yes but I would need to be sure so
6 could you please repeat your answer?

7 A. Yes that is correct.

8 [11.11.37]

9 Q. Now in your estimation did this happen before the members of
10 your family were released or after?

11 A. It was after the release of my family members including my
12 parents. My parents were also arrested.

13 Q. So you found out that close members of your family were
14 arrested and simultaneously you learned that they had been
15 released. So what you're telling me is that according to you
16 Khieu Samphan intervened to release the members of your family or
17 are you in fact not saying that?

18 A. At that time my husband did not intervene but in fact
19 personnel from the Minister of Foreign Affairs who went to work
20 in Siem Reap and saw that people who were sleeping on the road
21 were emaciated and they had questions about their appearance. And
22 I learned about that at a later stage. And especially during the
23 period that the Vietnamese arrived as we gathered around and we
24 spoke about what happened. And they said frequently they saw what
25 happened then they, I mean those foreign affairs personnel,

1 reported to Pol Pot. And Pol Pot asked people to make an
2 investigation into the matter. And at that time everybody was
3 released including my family members.

4 And at that time I actually went to Ta Kmao without the knowledge
5 of my husband I went with a driver who was transporting goods to
6 that direction and I saw a lot of people. They were emaciated and
7 they were given food and rice. And there were hundreds of them
8 and my family members were amongst them.

9 [11.14.42]

10 Q. Had your husband being given information from staff in the
11 Foreign Ministry that he didn't share with you about the abusive
12 treatment of people in Siem Reap Zone?

13 A. Upon my return I cried and I asked him what happened and
14 whether he knew about it or not. He said he not even heard about
15 it let alone knowing about it. And he said he did not even know
16 what his close colleagues did or where they went. He said that he
17 did not know anything about that. And he asked, actually, who
18 actually made the arrest. And whether I knew about it that's what
19 he asked me.

20 Q. So to have information about what was happening in Cambodia on
21 realities of abusive treatment he turned to you? He didn't turn
22 to Pol Pot or Nuon Chea or other people he worked with?

23 [11.16.28]

24 A. My apologies could you please repeat your question, I cannot
25 hear your question properly?

1 Q. Madam, I was saying that, if I am understanding you correctly
2 here, that your husband when he needed to have information about
3 what was happening in Cambodia including possible abusive
4 treatment undergone by part of the population of the country he
5 turned to you, a person whose only duty was to cook meals, to get
6 his information. He didn't hear any news through any other
7 channels. He didn't hear any of these facts from people he was
8 seeing every day whose names were Pol Pot and Nuon Chea, he
9 didn't receive any telegrams. He didn't get any information
10 except from you.

11 [11.17.42]

12 A. Because at that time I told him and that because he did not
13 know about it I didn't know whether some of the people or
14 networks knew about it. But he himself seemed not to know about
15 it and he asked me those questions. And I told him what I was
16 told by my family members.

17 Q. Therefore, let me just point out for the record that we do
18 have an interview recording E3/424 which refers to a report to
19 Khieu Samphan by telegram. We also have a record of a witness
20 interview which is E3/430 from another witness called Prom Sou.
21 So Madam did you ever hear any talk of telegrams to Mr. Khieu
22 Samphan?

23 Right, did you ever hear of the arrest of a person called Chou
24 Chet, Koy Thuon, Pang, Doeun, Tiv Ol, did you ever hear about
25 arrests when you were in K-1 or K-3?

35

1 A. I did not know about these people that you spoke about.

2 Q. Did you ever hear talk of enemies within or outside the ranks
3 of the regime who were burrowing from inside. Did you ever hear
4 people talking about enemies who had to be purged?

5 [11.20.32]

6 A. In the office they spoke about being vigilant and not to
7 reveal secrecy because there were enemies who were attempting to
8 destroy us and for that reason we had to be vigilant; but when
9 you spoke about the inside or outside the rank that's beyond my
10 knowledge at the time.

11 JUDGE LAVERGNE:

12 Mr. President, thank you very much. I have no further questions
13 for this witness.

14 MR. PRESIDENT:

15 Thank you, Judge.

16 The floor is now given to the Prosecution to put questions to
17 this witness, you may proceed.

18 (short pause)

19 [11.22.00]

20 QUESTIONING BY MR. RAYNOR:

21 May it please you, Mr. President, Your Honours. Good morning.

22 Good morning to my fellow Counsel, and good morning to you, Madam
23 So Socheat.

24 Q. In the last 15 minutes or so you have given this evidence.

25 That you had a direct face-to-face conversation with your husband

1 about two people called Hou Youn and Hu Nim. That he told you
2 that they had disappeared and that they should not have
3 disappeared. When did that conversation take place?

4 [11.23.29]

5 MS. SO SOCHEAT:

6 A. I cannot recall the exact date but it was at a later stage.
7 When we heard the news about the mass arrest and about the
8 killing. So he and I spoke about that. And he actually told me
9 after the arrival of the Vietnamese in Phnom Penh and he did not
10 tell me anything about that prior to that period of time.

11 Q. Your husband has told you in the context of mass arrest and
12 killings that he was aware that Hu Nim and Hu Yun (phonetic) had
13 been arrested and disappeared, is that correct?

14 A. Allow me to clarify, he spoke to me about that later on but
15 regarding the mass arrest earlier he knew about that later on and
16 he only told me about that at a later stage.

17 Q. Thank you you've clarified that. When he told you later on did
18 he say who had ordered the arrests of Hu Nim and Hou Youn?

19 A. He did not tell me who actually ordered their arrest.

20 Q. But you're quite clear that he told you to your face that they
21 should not have been arrested, is that correct?

22 [11.25.56]

23 A. Yes it is.

24 Q. Why should they not have been arrested, did he say?

25 A. As he told me, they came from the hardship together and that

1 now they disappeared. So he did not understand what they did, why
2 they disappeared, that was all he told me. And I myself I did not
3 know about that either.

4 Q. One of these gentlemen was arrested in 1975 and the other in
5 1977. They were both intellectuals weren't they, Hu Nim and Hou
6 Youn?

7 [11.27.14]

8 A. Yes they were intellectuals.

9 Q. Were they people to whom your husband was close?

10 A. Before 1975 they were close.

11 Q. And after 1975? How much did Khieu Samphan see of them both,
12 shortly before or shortly after the evacuation of Phnom Penh. Can
13 you help us?

14 A. It was after the liberation of Phnom Penh he did not meet with
15 the two.

16 Q. According to your testimony or knowledge when did Khieu
17 Samphan last meet with Hu Nim or Hou Youn before the evacuation?

18 A. I never saw him meet them or where he met them last.

19 Q. As far as you were concerned would describe Hu Nim and Hou
20 Youn as some of your husband's closest colleagues? Because of the
21 history they'd shared together?

22 A. On this matter I cannot comment on it because in reality back
23 then I was not a politician and it was not my task to think of
24 it. My job was confined to kitchen work. I did not know what he
25 was doing and the closeness in his working relation with others I

1 did not know.

2 [11.30.13]

3 Q. When you were talking with your husband at a later point about
4 Hu Nim and Hou Youn did he say anything to you about 9 out of 16
5 of his former GRUNK and FUNK colleagues being arrested and
6 killed?

7 A. No, others did not say anything about it. At that time I saw
8 Hu Nim and Hou Youn, he talked to me but as for others they did
9 not share with me anything. They might have known or might not
10 have known. I did not know. And then later on they came to know
11 it but I did not know what they had thought about it.

12 Q. When your husband was speaking to you about Hou Youn and Hu
13 Nim being arrested and disappearing did he say that that had
14 something to do with them being enemy agents?

15 A. No he did not discuss this with me. He did not discuss the
16 reason why they arrested them.

17 Q. In all of the time since 1979 have you ever had one
18 conversation with your husband where you've asked him, "Husband,
19 what was the reason that so many people died in Democratic
20 Kampuchea?"

21 A. Yes, I did ask him.

22 Q. And was one of his replies something like this: "People were
23 accused and arrested because they were agents of the Vietnamese
24 or the CIA." Or something like that?

25 A. He talked to me in general terms. He said people were not

1 properly treated, those who were evacuated. They had to go on
2 hunger and he was wondering. And he was also shocked and
3 horrified upon hearing the news of the starvation of people.
4 And as for the CIA agent, it - they had nothing to do with the
5 ordinary citizen, the civilians. He told me that these people
6 were not - had nothing to do with CIA. Why did they have to
7 undergo this starvation? This is what he used to say with me.

8 [11.34.14]

9 Q. In 1981, your husband had an interview with a man called
10 Steven Heder. The relevant E number is E3/203. And the entry I
11 refer to is: English ERN 00424016; French 00434236 to 37; Khmer
12 00385413 through 14.

13 And Mr. Heder posed this question, and I quote:

14 "What I wanted to ask was at the time, was about anyone who was
15 accused of being either CIA agents or Youn agents. I want to ask
16 if any of them were accused of being Youn agents in order to kill
17 them, in order to kill true patriots? Did that happen among the
18 upper echelon?"

19 "Yes" - this is the answer. "Yes, there was a comrade in the
20 west. He was an old man. He was accused by the Youn agents. They
21 were responsible for that. They accused him. However, they were
22 not successful because we investigated the case in a timely
23 manner."

24 Do you know why, when your husband was speaking with Mr. Heder in
25 1981, he made no mention of being aware of the arrests and

40

1 disappearances of Hu Nim and Hu Youn?

2 [11.36.43]

3 A. Well, generally when he talked with me, he only responded to
4 what I ask him and he did not elaborate further because I was not
5 a politician. I was only a housewife. I was a cook. I did not
6 have any interest in the political affairs. I did not know who
7 was who and what they did. I was not aware.

8 Q. Has your husband ever mentioned to you, a letter written to
9 him from Hu Nim saying that he, Hu Nim, had been arrested on the
10 10th of April, 1977? And that document is E3 - that refers to it,
11 E3/1550.

12 So I repeat the question. Has your husband ever said anything to
13 you about a letter addressed to him from Hu Nim complaining that
14 he had been arrested on the 10th of April, 1977?

15 A. No, I never heard of it.

16 Q. Why would Hu Nim, having been arrested, be writing a letter to
17 your husband?

18 MR. PRESIDENT:

19 Witness, please hold on.

20 International counsel for Mr. Khieu Samphan, you may proceed.

21 [11.38.54]

22 MR. VERCKEN:

23 I just want to inform you that we haven't heard the question in
24 French, Mr. President.

25 MR. PRESIDENT:

41

1 I think that this is the same issue again. Can you please check
2 with the interpreting team why the interpretation failed to come
3 through? Can you make sure that this work very well? And if there
4 is any issue, please address this issue in a timely manner.

5 BY MR. RAYNOR:

6 Your Honour, can I just say for everyone's benefit that
7 yesterday, the French interpreters came to me to say that I
8 wasn't giving sufficient pauses, so I anticipate the problem is
9 mine, and I will now give better pauses.

10 Q. To repeat the question, Madam So Socheat, can you help us at
11 all on why Hu Nim, shortly after his arrest, on the 10th of
12 April, 1977 would be writing to your husband to complain about
13 his arrest?

14 [11.40.44]

15 MR. PRESIDENT:

16 Witness, please hold on.

17 The national counsel for Mr. Khieu Samphan, you may proceed.

18 MR. KONG SAM ONN:

19 Thank you, Mr. President, and good morning, Your Honours. I would
20 like to object to the question raised by the prosecutor because
21 Madam So Socheat must not know the reason why Mr. Hu Nim wrote a
22 letter to Mr. Khieu Samphan. And the testimony that Madam So
23 Socheat will be responding to him will be of a speculative
24 nature, and I don't think that the testimony of this kind will
25 not assist the Chamber in anyway.

42

1 So I would like Mr. President to direct the prosecutor to avoid
2 from asking question of this nature. Thank you.

3 [11.41.40]

4 MR. RAYNOR:

5 Mr. President, given the amount of contact that Madam So Socheat
6 accepts occurred between Hu Nim, Hu Youn and Khieu Samphan prior
7 to 1975 according to her evidence, this, in my respectful
8 submission, does not call for speculation and the evidential
9 foundation has already been set.

10 (Judges deliberate)

11 MR. PRESIDENT:

12 The objection and ground for objection by the defence team for
13 Mr. Khieu Samphan on the last question put the - put by the
14 prosecutor is sustained. These questions will elicit the
15 speculation or personal opinion of the witness, and that is not
16 appropriate in - in the proceedings before us. And therefore,
17 witness is directed not to respond to the last question posed by
18 the prosecutor.

19 [11.44.03]

20 BY MR. RAYNOR:

21 Thank you, Mr. President.

22 Q. Madam So Socheat, Document E3/231 is the minutes of a meeting
23 of the Standing Committee on the 8th of March, 1976 which shows
24 that the participants at the meeting, including - included your
25 husband, super comrade Hem, and comrade Phoas, who is Hu Nim.

1 Now, did your husband at any stage say to you that he had
2 attended important meetings after 1975 with Hu Nim?

3 MS. SO SOCHEAT:

4 A. I am testifying before this Chamber as a witness, and I am
5 telling the Court that, back then, I was not a politician. I was
6 a cook. I was a housewife. I am telling the Court what I heard,
7 what I saw at that time because what you have asked me is beyond
8 my knowledge. This involves politics, who (sic) were the job of
9 the politician in the authority.

10 Q. Five days after the arrest of Hu Nim, on the 15th of April,
11 1977, your husband gave a second anniversary speech that was
12 broadcast on the Phnom Penh home service. The document is E3/201.
13 There is an extract on English page 00419513; Khmer 00292804
14 through 5; French 00612166, when your husband said these words,
15 and I quote:

16 [11.47.21]

17 "We must wipe out the enemy in our capacity as masters of the
18 situation following the lines of domestic policy, foreign policy
19 and military policy of our revolutionary organization. Everything
20 must be done neatly and thoroughly. We must not become
21 absent-minded, careless or forgetful because of past victories.
22 On the contrary, we must further steel ourselves, remain alert,
23 constantly maintain the spirit of revolutionary vigilance and
24 continue to fight and suppress all stripes of enemy at all
25 times." Close quote.

1 [11.48.26]

2 Did you listen to that broadcast by your husband?

3 A. I do not recall. I actually did not listen to his speech or
4 broadcast.

5 Q. Where did he go to make his broadcasts after the 17th of
6 April, 1975?

7 A. That I do not know.

8 Q. Well, just so that we're clear, did he ever say to you that he
9 was off to the offices of the Ministry of Propaganda, where there
10 was a broadcast facility used by the former regime?

11 A. No, I never heard of him saying that he was off for that
12 place.

13 Q. This speech mentions revolutionary vigilance. You've used that
14 phrase already in your evidence, haven't you, revolutionary
15 vigilance?

16 A. Yes, I have.

17 Q. During the period of Democratic Kampuchea from 1975 to 1979,
18 and we know the dates, did you ever, on any conversation, have a
19 single reference between you and Khieu Samphan when you were
20 talking about revolutionary vigilance?

21 A. My husband and I rarely talked to each other about this task
22 because we had our respective responsibility. Our tasks were
23 completely different. I was confined to the kitchen work. I
24 prepare food and do the laundry, and I had to take care of my
25 kids, too. So, for the discussion on the matter of this kind was

1 not a common discussion with us.

2 [11.51.54]

3 And as a tradition in Cambodia, housewife had to do the housework
4 and we did not interfere into our husband's work.

5 As a housewife, we were not supposed to know everything our
6 husband had to do. That's what our tradition dictates over - at
7 that time. As a housewife, we were confined to our housework and
8 work in the kitchen.

9 [11.52.25]

10 From 1975 to 1979, there was discipline, discipline in relation
11 to the roaming around the place and the discussion of other
12 people's businesses. And in addition, we were individually busy
13 with our responsibility. And he, as a husband, in his free time
14 he also assisted me in taking care of our kids. We did not have
15 time, really, to discuss matters of this kind in details-

16 Q. Forgive me for interrupting, but that was a very long answer.
17 But you did discuss it with him, revolutionary vigilance. You've
18 just said so, haven't you?

19 A. I never discussed revolutionary vigilance with Mr. Khieu
20 Samphan personally, but it was the discipline in the workplace
21 that everyone had to be vigilant. They had to be materially
22 vigilant, revolutionary vigilant. And in other words, we had to
23 be vigilant at all time.

24 So this was the principle of discipline which was common in our
25 workplace. Everyone had to be vigilant. When I talked to him, I

1 never discuss revolutionary vigilance.

2 [11.54.05]

3 Q. Are you changing your answers, as your evidence goes along,
4 when you realize you've made a mistake?

5 A. Please, if I change my statement, please make it known to me
6 because if I made any erroneous statement, please advise me.

7 Q. Well, let's just break down what you told the Court this
8 morning. I asked you a very simple question. You accepted that
9 you had used the phrase "revolutionary vigilance" in your
10 evidence.

11 I then asked you if you had discussed this with Khieu Samphan and
12 you said, "We rarely talked about this task".

13 I then asked you, "But you did talk about it, didn't you?" and
14 your response was, "Oh, no, we didn't talk about revolutionary
15 vigilance", so you've changed your evidence within three minutes,
16 haven't you?

17 [11.55.46]

18 A. I would like to clarify the statement I made earlier. You
19 asked me that there was revolutionary vigilance in place at that
20 time. As I said in my statement, I did discuss revolutionary
21 vigilance, but I discuss it at my workplace. At my workplace,
22 everyone were put on vigilance. I did discuss revolutionary
23 vigilance but, as I said, I discussed this subject in general
24 because everyone in every workplace, everyone had to be vigilant.
25 But I never I had - had I discussed this subject matter with my

1 husband.

2 Q. The document that Judge Lavergne referred to being, I think,
3 what you called "the family book", which is to do with
4 registering people, is E275.8. Do I have this right, that this
5 was a document that had to be completed when you and the other
6 members of your family were moving house, or was it for some
7 other reason?

8 A. I am sorry. Are you referring to the family book or resident
9 book or something? I do not really get your question.

10 Q. Was the family book completed because you were moving house?

11 A. Well, when we moved to Botum Eav (phonetic) in Pailin, then we
12 move on to Khlong. We change our residence.

13 Q. Do I understand the procedure correctly, that when a family is
14 moving house, documents have to be handed over to a local
15 registrar?

16 A. Yes, that's correct.

17 [11.58.34]

18 Q. Do I have it right that every person over the age of 18 has to
19 provide documentary evidence to the registrar?

20 A. Yes, that is correct.

21 Q. Do I have it right that when the person hands a document to
22 the registrar there has to be a witness in the room?

23 A. That I do not understand, whether or not there was a
24 requirement for a witness to be present.

25 [11.59.35]

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1 MR. PRESIDENT:

2 Counsel for Mr. Khieu Samphan, you may proceed.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President. I am of the opinion that the prosecutor
5 is asking the witness on the subject that is not the focus of the
6 hearing today. If the prosecutor wishes to know the procedure for
7 the family registration in Cambodia, I believe that he should
8 request the Chamber to summon the commune registrar officer to
9 come to testify because I don't think that she is in the position
10 to enlighten the Court on this procedure. Thank you.

11 [12.00.28]

12 MR. RAYNOR:

13 Mr. President, can I explain that this questioning is going to
14 the date of birth of her son, Khieu Udom. That was felt to be an
15 issue of such significance that it was one of the first issues
16 addressed by direct questioning from His Honour, Judge Lavergne.
17 Therefore, any questioning relating to the date of birth of Khieu
18 Udom is relevant in this trial.

19 [12.01.13]

20 It is relevant particularly because - and this will be apparent
21 to everybody in the courtroom - that So Socheat gave testimony
22 yesterday that the date of birth was the 4th of May, 1974 and
23 we're now faced with a document that says it's the 6th of June,
24 1974.

25 This glaring contradiction can only be properly assessed and you

1 enabled to establish the truth, through questioning on this
2 issue.

3 (Judges deliberate)

4 [12.02.22]

5 MR. PRESIDENT:

6 The objection and ground for objection by the defence team for
7 Mr. Khieu Samphan is not appropriate. The Chamber wishes to hear
8 the response of this witness in question to the question put by
9 the prosecutor.

10 Witness, please respond to the question.

11 Madam So Socheat, do you recall the last question put by the
12 prosecutor?

13 MS. SO SOCHEAT:

14 Could you please repeat it?

15 MR. PRESIDENT:

16 Mr. Prosecutor, please repeat your last question.

17 BY MR. RAYNOR:

18 Q. I think you partly answered it, but I'm going to ask it again.

19 When you were present in front of the registrar in the
20 registrar's office, do you remember somebody else being in the
21 room as a witness to make sure that the procedure went properly?
22 And I think to sign as a witness.

23 MS. SO SOCHEAT:

24 A. When we got it registered at that time, the procedure was
25 rather brief. We did not have a witness. There was only the

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1 presence of the clerk, the commune clerk, and the registrar. And
2 they asked me at that – they told me at that time if I could not
3 recall it very well, I simply put an indicative date first.

4 [12.04.44]

5 So I decided to follow what the date was in the document that we
6 had in our possession because, to my recollection, they told me
7 that if I could not recall the exact date, I can simply give an
8 approximate date or so. That was the birth certificate of my
9 first child.

10 And as for my other child, we just prepared the birth certificate
11 just in the last few years and we follow it according to their
12 identification cards.

13 As for the exact date, he was born on the 4th of May, 1974. So
14 when we decided on the date, I also sought ideas and opinion of
15 the Court clerk – rather, the commune clerk.

16 [12.06.01]

17 MR. PRESIDENT:

18 Thank you, Mr. Prosecutor, and thank you, Madam Witness. The time
19 is now appropriate for lunch adjournment.

20 The Chamber will adjourn now and resume at 1.30 this afternoon.

21 I note the prosecutor is on his feet. You may proceed.

22 MR. RAYNOR:

23 Mr. President, forgive me. Can I just ask, please, Mr. President,
24 this?

25 As we all know, His Honour, Judge Lavergne's, questioning took up

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1 a large amount of this morning. Can I safely assume that I will
2 be allowed that time that was taken up with that questioning?
3 And Mr. President, can I respectfully say that I am not very far
4 through my cross-examination notes.

5 [12.06.56]

6 MR. PRESIDENT:

7 The Chamber will definitely allot the time to the parties. And as
8 for the questions that may be asked by others other than the
9 parties, then the Chamber will compensate the time so that it
10 make up with the time allocated to each party.

11 So the times that Judge Lavergne put the question to the witness
12 will be taken from the time allocated to the party.

13 MR. RAYNOR:

14 Thank you, Mr. President.

15 MR. PRESIDENT:

16 Madam So Socheat, according to the schedule on your testimony, we
17 actually are scheduled to conclude it this morning, but due to
18 the questions asked by the Judge of the Bench, therefore, we
19 cannot conclude it this morning. Therefore, please be advised
20 that your testimony has not yet concluded. You will be invited to
21 testify this afternoon in order to complete your testimony.
22 Court officer is now instructed to assist the witness during the
23 break and have her return to this courtroom together with her
24 duty counsel before 1.30 this afternoon.

25 Security guards are instructed to bring Mr. Khieu Samphan to the

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1 holding cell downstairs and have him return to this courtroom
2 before 1.30 this afternoon. The Court is now adjourned.

3 (Court recesses from 1209H to 1332H)

4 MR. PRESIDENT:

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

6 Once again, the floor is given to the Prosecution.

7 I'd now like to give the floor to the counsel for Khieu Samphan.

8 You may proceed.

9 MR. VERCKEN:

10 Thank you, Mr. President.

11 I would like to notify all parties present that I have
12 experienced some difficulty regarding the purpose of this debate;
13 that is, the family booklet. In fact, when you look at the copy
14 of the family booklet that we have regarding the date of birth of
15 the child, Rattana, I found that in the Khmer version, the date
16 indicated on the original is the 13th of March 1976; however, the
17 translation of this into French by the ITU - I don't think there
18 is an English version - I see 19th of September 1976, so I am
19 wondering why there is this discrepancy.

20 [13.34.20]

21 When I look at the copy of the documents that is being
22 circulated, I find that the photocopy is not of very good quality
23 which possibly explains the date of the 13th of March in figures
24 translated as 19th of September.

25 For the purpose of transparency, I would like to hand over to the

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1 Chamber the original in Khmer which we printed out using the
2 printer of the Tribunal, and let me point out to the registry
3 that the date in the Khmer original is indeed the 13th of March
4 1976; that is the date of the child Rattana. I wanted to point
5 this out to the Chamber.

6 [13.35.11]

7 MR. PRESIDENT:

8 Thank you, Counsel.

9 Court officer, could you get the document from Khieu Samphan's
10 counsel for the Judges and for all the concerned parties?

11 (Short pause)

12 MR. PRESIDENT:

13 The floor is now given once again to the Prosecution to continue
14 putting questions to this witness. You may proceed.

15 BY MR. RAYNOR:

16 Thank you very much, Mr. President.

17 Q. Madam So Socheat, just before the lunch and adjournment, you
18 were giving evidence and if I understood your evidence correctly,
19 when you were speaking about the family book, you said that the
20 registrar was talking about estimating the date of birth of your
21 son; is that correct?

22 (Short pause)

23 [13.37.08]

24 MS. SO SOCHEAT:

25 A. Regarding the family book registration of my son, the commune

1 and sub-commune authority already had the date of birth. I,
2 myself, did not recall the dates clearly as I had to find the
3 exact dates.

4 My son actually made his ID card already and it was not made at
5 my place. He actually made it at his place of residence and that
6 was at Anlong Veng. So he actually had made his ID card prior to
7 my family book and he put that date of birth for his ID card. So
8 when I was requesting for the process of the family book, I asked
9 him the date of birth that he put on his ID card and he told me
10 that date.

11 I did not really pay much attention to that and, as you know, in
12 Cambodia people could actually reduce or increase their age and
13 that seems to be common in Cambodia. So for that reason, the
14 registration that I made was made after my son made his ID card
15 and that-

16 [13.39.19]

17 Q. Thank you. Do we all correctly understand from your answer
18 that your son, for 7 years, from the age of 18 to the age of 25
19 was carrying around an ID card with the incorrect date of birth?

20 A. I don't seem to get your question regarding the seven years.

21 Q. This registration was in 1999 when your son was 25 years old.
22 The requirement to have a registration card is from 18 years old;
23 therefore, is it right that for 7 years, from the age 18 to 25,
24 your son was carrying around an ID card with the incorrect date
25 of birth?

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1 A. My apology. In fact, when he reach 18 he did not make his ID
2 card; only when he lived in Anlong Veng he applied for his ID
3 card.

4 Q. I'm moving on to another topic. Mrs. So Socheat, you are a
5 witness in this case who has been proposed by the Defence.
6 Twenty-eight months ago, in document E9/4/6 dated the 21st of
7 February 2011, Khieu Samphan's legal team notified the Trial
8 Chamber that you were proposed as a witness. When did you first
9 know that you were being proposed as a witness?

10 [13.42.22]

11 A. I cannot recall the date that I was told by the counsel.

12 Q. Prior to you coming into court yesterday, had you told Khieu
13 Samphan's lawyers your version of events?

14 A. I have not told them anything regarding my statement before
15 this Court.

16 Q. Let's be absolutely clear. Are you saying that prior to coming
17 into court yesterday, Khieu Samphan's defence team had never
18 prepared a statement for you and asked you to put your thumbprint
19 on it and for that statement to be signed by you?

20 A. To my recollection, no, unless I forget.

21 Q. Let me put the question another way. When you were preparing
22 to come to this court to give evidence, did you have a written
23 document in front of you setting out your version of events?

24 (Short pause)

25 [13.45.00]

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1 A. I actually drafted my personal background by myself and I try
2 to memorized it and that's what I prepared by myself; that is, my
3 background through various stages before 1975, then the period
4 between 1975 to '79. And I made that by myself.

5 Q. Are you saying that in the six or seven years your husband has
6 been in detention that you have never once sat down with a
7 representative of the Khieu Samphan legal team and discussed your
8 version of events?

9 A. I met them.

10 Q. When you met them, did they ask you questions and write down
11 your answers on a piece of paper?

12 A. I met them, first of all, because they were the counsel for my
13 husband and I asked them about the progress of the trial. And
14 before my appearance before this Court, and it was around
15 February, I met the counsel once and we were speaking about the
16 character of Khieu Samphan.

17 [13.47.21]

18 Q. Prior to coming to court yesterday, and I want you to think
19 about this clearly, had Khieu Samphan's legal team ever prepared
20 a statement for you to sign and put your thumbprint on?

21 A. No.

22 Q. Prior to coming to court yesterday, had you ever, on any
23 occasion, told a lawyer from the Khieu Samphan team that there
24 was an exodus of leaders from K-3 leaving you, your husband, and
25 a handful of others on their own at K-3?

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1 A. I'm sorry. I do not understand your question.

2 Q. Prior to coming into court yesterday, had you ever, before
3 then, told any lawyer or representative from the Khieu Samphan
4 defence team that senior leaders left K-3 leaving you and your
5 husband there; yes or no?

6 (Short pause)

7 [13.50.06]

8 A. I don't really get your question. I met with the counsel, but
9 he - they informed me about my appearance before this Court, but
10 we did not talk about leaving K-3, and I don't understand your
11 question in fact.

12 Q. You've answered it. Thank you very much.

13 You hadn't told Khieu Samphan's lawyers about senior leaders
14 leaving K-3, but who had you discussed that with, if anybody?

15 A. I only spoke about that yesterday when I appeared before this
16 Court and I was asked about that event.

17 Q. In the six years that Khieu Samphan has been in detention,
18 have you been seeing him every week?

19 A. Previously before the constant hearing, I came to see him at
20 least once a week; two times or three times a week, and sometime,
21 when he was not well, I would come, yes, three times a week.

22 [13.52.16]

23 Q. Let's keep it at twice a week over 6 years; that's 600 visits.
24 On any of those visits, have you discussed with Khieu Samphan the
25 senior leaders leaving K-3 in those 600 visits?

1 MR. PRESIDENT:

2 Witness, wait.

3 The counsel for Khieu Samphan, you may proceed.

4 MR. KONG SAM ONN:

5 Thank you, Mr. President.

6 I would like to object to the method of calculation by the
7 prosecutor. How on earth he could reach the 600 times?

8 The witness said sometimes she would meet three times with her
9 husband; sometimes, two times; sometimes, once; and sometimes,
10 none. So the number is between the least to the highest number
11 and you just cannot stick to the highest number. Please
12 recalculate your figure again.

13 [13.53.37]

14 BY MR. RAYNOR:

15 Q. I'm going to rephrase the question. In the six years that
16 Khieu Samphan has been in custody and you have been making
17 regular visits to see him, have you ever spoken with him about
18 all the senior leaders leaving K-3?

19 A. My husband knew about that; that is, regarding all the leaders
20 at K-3 that all of them had to leave.

21 Q. Do I take it from that that you have relied on what he's told
22 you?

23 A. No, he did not. At that time, maybe I did not understand the
24 question clearly and of course, I would try to provide my
25 faithful response and if I did not understand it, then I would

1 not be able to give you the answer. And I already spoke about the
2 leaders who left K-3.

3 Q. On the 14th of March 2010, did you pay a visit to see Tha Sot
4 and Sa Siek?

5 [13.55.48]

6 A. I cannot recall the date. In fact, at one point, I went for a
7 wedding of my relative in Samlaut and after the dinner reception,
8 then I met my nephew by the name of Lin and I met a number of
9 people whom I knew earlier.

10 Then I asked Lin and Lin told me that there were a number of
11 uncles whom I knew lived in that area. Maybe I'd like to explain
12 a little bit on this point. So I told Lin that I wanted to visit
13 some of those people whom I knew including Sot and San (phonetic)
14 and some other people, as well, and we went to the first house;
15 it was closer to the wedding house.

16 So after the wedding celebration, Lin took me the house of Sot
17 for a visit and I met him under his house. Then he asked me how I
18 went. In fact, only Siek was present, but Sot was not present
19 when I went there. So we asked about other people whom I knew and
20 how they were and people also came to ask how I went by. So then
21 we chit chatted a little bit, but previously, I did not know that
22 person Siek that well.

23 [13.58.13]

24 And after that - in fact, during our conversation, Siek said
25 people came to ask him too and said they were rather afraid -

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1 that someone was afraid and almost hang himself. And I asked why
2 they were afraid. "There's nothing to be afraid of." I told them
3 and I told him to tell Sot just to tell the truth.
4 And at that time, Lin was also present there because I did not
5 meet Sot and I asked Siek to convey my word to - to tell Sot just
6 to tell the truth.

7 Q. Did you discuss with Madam Sa Siek your husband's connection
8 with the ministry of propaganda and his movements or connection
9 with Preaek Kdam?

10 A. Sa Siek talked about the journey; after Phnom Penh was
11 liberated that she made a journey through Preaek Kdam, and she
12 said that she went on foot from the ministry of propaganda. And I
13 didn't know about that, but she spoke of her own will.

14 And I told her that I wanted to meet with Sot since I came here
15 and only Sot knew about how I - how my journey was like. Because,
16 at that time, Sot was a messenger stationed outside and he should
17 know about the journey.

18 [14.00.55]

19 Q. In her testimony to this Court on the 16th of August 2012 at
20 15.25 hours, Madam Sa Siek said this of you, and I quote:

21 "She", that's a reference to you, "She asked whether Khieu
22 Samphan used to go to Preaek Kdam and the propaganda."

23 It was you asking her those questions and not the other way
24 around; wasn't it?

25 A. He said he was with the propaganda ministry. Then we ask him

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1 whether or not he had been there, and at Preaek Kdam. Siek was
2 not involved. I actually wanted to ask her husband whether or not
3 he had been to Preaek Kdam or anywhere else and if Sot was there,
4 he must have known. That's what I said. I admit saying that.

5 [14.02.24]

6 Q. But why - why did you want to ask Sot whether he'd been at
7 Preaek Kdam or what he'd been doing? What was the purpose of you
8 asking these questions or wanting to? Why?

9 A. At that time - I am trying to recall the event - somebody back
10 then talk about it in Preaek Kdam and then I wanted to visit that
11 place, so I also talk about it.

12 Q. Sa Siek told this Court that your husband wasn't sure whether
13 he'd been at Preaek Kdam or the ministry of propaganda and that
14 was the reason you were asking these questions. Is Madam Sa Siek
15 telling the truth?

16 A. I am sorry. I do not understand your question.

17 Q. In her evidence to this Court, Madam Sa Siek told the Judges -
18 and I have a direct quote now; it's at 15.27. Question - and this
19 is to Madam Sa Siek:

20 "And did you or your husband ask her", that's you, "why she was
21 interested. Whether Tha Sot saw Khieu Samphan at Preaek Kdam or
22 the ministry of propaganda?"

23 [14.05.05]

24 Answer from Madam Sa Siek:

25 "Khieu Samphan's wife came to ask the questions because Mr. Khieu

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1 Samphan did not recollect whether he went there or not."
2 So, was the reason for you going to speak to Madam Sa Siek to do
3 with a conversation you'd had with your husband when he was
4 saying to you, "Wife, I can't remember if I was at the ministry
5 of propaganda or Preaek Kdam. Can you go and see Sa Siek"? Was
6 that the reason?

7 A. As a matter of fact, I did not intend to visit Sa Siek for
8 that reason. I only went to visit her as somebody who - who knew
9 each other.

10 I - then there was allegation about this and that and I do not
11 recall, but there was somebody who told me that he had been to
12 propaganda ministry, Preaek Kdam, and I told her - I told him
13 that they simply implicated us.

14 [14.07.45]

15 And I asked Mr. Khieu Samphan whether or not this was a real
16 implication or they simply - they simply implicated us with that,
17 and I - if I had met Sot, I would ask him for his verification.

18 And I am telling you from my recollection, I did not actually
19 imagine, at that time that this small, minor thing would come
20 today in Court that I had to testify; that's why I did not pay
21 attention to its detail.

22 I simply went there to visit her and then I simply ask her a
23 question and I apologize to the Court if I - if I am not really
24 answering the question as you expect me.

25 Q. You're telling this Court; aren't you, that Sa Siek's wrong

1 and you're right?

2 A. I simply cannot say I am right and she is wrong because that
3 was informal - very informal, personal chat with each other when
4 we live together. There were events - every day events that took
5 place. We talk about this person and that person, so I will not
6 jump into a conclusion that this person is wrong and I am right,
7 but to my recollection, that's what I ask her at that time.

8 [14.09.30]

9 Q. In her testimony to this Court on the 16th of August 2012 at
10 15.05 hours, Madam Sa Siek said that she saw your husband on the
11 17th of April 1975 and that after this, he came to the propaganda
12 section and he spent a few days and nights there.

13 Has your husband ever told you that he spent a few days and
14 nights at the ministry of propaganda soon after the evacuation of
15 Phnom Penh?

16 A. Following the evacuation, I never heard from him of where he
17 went. When I met him in Sdok Taol, he told me that he had not
18 been to Phnom Penh. It was on that very morning that he was
19 prepared to leave for Phnom Penh.

20 Q. I want to move on to your brother and sister and the prison in
21 Siem Reap.

22 [14.11.06]

23 His Honour, Judge Lavergne, this morning, quoted an extract from
24 an open letter from your husband appealing to all compatriots.

25 That also has the reference E3/205. And you have already

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1 confirmed this morning what he wrote about you coming in tears
2 and to give the quote again - I quote:

3 "My wife told me in tears about her siblings and relatives being
4 arrested and handcuffed and their legs placed in irons for more
5 than a year with other people and being wounded."

6 On the 4th of October 2012, this Court heard testimony from a man
7 called Meas Voeun. The relevant timings are between 14.07 hours
8 and 14.31 hours.

9 He said this; that he received a telegram from Khieu Samphan
10 asking him to report on people who were imprisoned in Siem Reap
11 including members of your family. Secondly, that he then went to
12 investigate. Thirdly, that he reported to your husband about your
13 sister, Yeat, who was detained in the security centre in Siem
14 Reap located in a prison used by the former regime. Fourthly,
15 that Meas Voeun went to the prison along with Ta Soeung. Fifthly,
16 that there were about 700 prisoners there. Sixthly, that your
17 sister was released from the prison, but all other prisoners
18 remained there.

19 [14.14.02]

20 MR. PRESIDENT:

21 Mr. Prosecutor, please hold on.

22 The defence counsel for Mr. Khieu Samphan is on his feet. You may
23 proceed, Counsel.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President.

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1 The extract that the prosecutor is reading out is not very – it's
2 not known to other parties; in other words, he failed to identify
3 the document properly, so we cannot really locate where the
4 document is actually from.

5 BY MR. RAYNOR:

6 E1/130.1.

7 [14.14.44]

8 Seventhly, that Meas Voeun reported to Khieu Samphan on the
9 release. Eighthly, that at this time, the autonomous Sector 103
10 reported directly to Khieu Samphan.

11 MR. PRESIDENT:

12 You may resume. Just now I did not hear the translation of the
13 identity of the document as per the request by the defence
14 counsel and you just resume back. Just now I heard the
15 interpretation already actually.

16 You may proceed, Counsel, if you have anything to raise.

17 MR. KONG SAM ONN:

18 Thank you, Mr. President.

19 The Prosecutor mentioned the – the document, but he actually tell
20 the document numbers, but not the location. If you can tell us
21 the exact ERN – the relevant ERN pages it would be helpful. Thank
22 you.

23 MR. PRESIDENT:

24 That is correct. I think that this practice has been going on for
25 more than a year now and everyone should be aware of this

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1 procedure.

2 [14.16.09]

3 For any document that is subject to examination shall be
4 identified with the document number as well as the relevant ERN
5 pages or the relevant extract subject to examination; that is the
6 first point.

7 And the second point, I wish to advise the prosecutor that the
8 Chamber has already granted you the time and you should be able
9 to conclude your question within the time allocated to you.

10 This morning, you have some time, but this afternoon's session
11 will be for your session as well as the defence team for Mr. Nuon
12 Chea to put the question to the witness, as well, so pleased be
13 advised of this time allocation.

14 [14.16.58]

15 MR. RAYNOR:

16 Well, Mr. President, can I respectfully make this respect?

17 I respectfully submit to you, Mr. President, that this witness is
18 probably one of the five most important witnesses in this case
19 and I respectfully please ask the Chamber to allow me to have the
20 rest of today to ask questions of Madam So Socheat.

21 I still have a number of extremely important issues to cover with
22 her and in my respectful submission; justice will not be done to
23 this witness if timings are cut too short. Can I please request
24 the rest of this afternoon?

25 (Judges deliberate)

1 [14.21.08]

2 MR. PRESIDENT:

3 National counsel for Mr. Khieu Samphan, you may proceed.

4 MR. KONG SAM ONN:

5 Thank you, Mr. President, and Your Honours.

6 Prior to the Chamber deliberating on the issue, the President
7 directed the prosecutor to identify the relevant pages - relevant
8 ERN pages, but the prosecutor has not yet followed this direction
9 and in addition, he submit his application for an additional time
10 allocation, so may it please Mr. President, direct the prosecutor
11 to identify the relevant pages of the document he presented.

12 MR. PRESIDENT:

13 Yes, the Chamber has actually advised not only the prosecutor,
14 but also parties concerned, that documents be identified properly
15 as to its number as well as the relevant ERN pages of the
16 document. Concerning the point, that is subject to examination
17 with the witness, expert, or civil parties. This has already been
18 practiced for a long time already.

19 And in - and on the second point, the prosecutor will have the
20 times for him necessary to put the question to the civil - to the
21 witness in question; however, Mr. Prosecutor should be advised
22 that he put the question that are most relevant, the most
23 potential question to ascertaining the truth, and the Chamber
24 will assess your question as you go along whether or not the
25 questions are conducive to ascertaining the truth.

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1 [14.23.09]

2 MR. RAYNOR:

3 Mr. President, I'm very grateful.

4 Can I say, in respect to the extract from Meas Voeun, that I have
5 the timings of each entry to which I've referred. I accept that's
6 not in accordance with the ERN policy, but it's certainly a
7 practice that all of us in court had been adopting in the past
8 few weeks.

9 So I can give the timings from the transcript for each of those
10 parts; will that suffice?

11 I add, Mr. President, that this was a practice that was adopted
12 with the last witness, Sydney Schanberg.

13 MR. PRESIDENT:

14 Yes, you may proceed. Then if you base on the transcription, it
15 will be even more precise. Particularly when you indicate the
16 hour of that transcription, that will be even more precise than
17 the relevant ERN pages and that has been proved by the practice
18 we have adopted so far.

19 [14.24.35]

20 BY MR. RAYNOR:

21 Q. I'm grateful, Mr. President. Can I go through now Meas Voeun's
22 evidence giving the time markers?

23 When he said his task in Preah Vihear was to conduct an
24 investigation concerning the arrest and - and imprisonment of
25 some people, that was shortly before "14.09.45".

1 When he said - I quote:

2 "I reported to Khieu Samphan by telegrams in which I wrote down
3 the reports and my name and Sector 103 on paper for dispatch to
4 Khieu Samphan", that was at "14.11.45".

5 In that same time marker, he said:

6 "There was a telegram from Khieu Samphan to me instructing that I
7 had to report about any situation to him."

8 [14.25.45]

9 Next, at "14.13.35", Meas Voeun said - and I quote:

10 "And I reported to him the situations from Siem Reap;
11 particularly people who were imprisoned and those who were later
12 released by Ta Soeung including Khieu Samphan's in-law as well."

13 At the same marking, there is this quote:

14 "He," and that's a reference to Khieu Samphan, "asked us to
15 report whether or not we saw any of his relatives."

16 At marker "14.15.14", Meas Voeun said that he went to investigate
17 what had happened to the relatives.

18 At time marker "14.17.15", Meas Voeun said:

19 "At the beginning, I reported about his older sister-in-law named
20 Yeat who lives in Malai who was detained at the security centre
21 in Siem Reap province."

22 [14.27.12]

23 At time marker "14.19.13", Meas Voeun said that Yeat was at - and
24 I quote:

25 "...the security centre which was located in the former regime

1 prison complex."

2 At that same marker, Meas Voeun said:

3 "There could have been up to 700 prisoners."

4 At time marker "14.21.10", Meas Voeun said: "Ta Soeung
5 conducted..." - the time again for this entry is "14.21.10". Meas
6 Voeun said - and I quote:

7 "Ta Soeung conducted the investigation and then he learned about
8 her, Yeat's, detention and then he sent me to Preah Vihear
9 province."

10 "Question: Did you personally go to the security centre in Siem
11 Reap to have Khieu Samphan's sister-in-law released?"

12 "Answer: Yes, I went to the prison along with Ta Soeung."

13 [14.28.48]

14 At time marker "14.23.22", Meas Voeun confirmed that he sent a
15 telegram to Khieu Samphan to report.

16 At time marker "14.26.30", Meas Voeun was asked:

17 "What did you understand to be Khieu Samphan's position at that
18 point in time?"

19 "Answer: To my knowledge, Sector 103 was under his supervision.
20 According to what people told me, at that time, the sector was
21 known as "autonomous sector" and it was supposed to report
22 directly to Khieu Samphan."

23 Shortly before time marker "14.31.21", Meas Voeun was asked:

24 "But on the day you went there, the only prisoner you took out of
25 the prison was Khieu Samphan's sister-in-law; the others remained

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1 at the prison, is that correct?

2 "Answer: Yes, that is correct."

3 Now–

4 [14.30.43]

5 MR. PRESIDENT:

6 Witness, please wait.

7 Counsel for Khieu Samphan, you may proceed.

8 MR. VERCKEN:

9 Thank you, Mr. President.

10 I have listened to what the prosecutor has said attentively;

11 however, I think, at the same time, that our closing arguments

12 should be 100 pages and I'm wondering how we will manage to make

13 do with only 100 pages.

14 MR. KONG SAM ONN:

15 Thank you, Mr. President.

16 [14.31.23]

17 Based on the Khmer interpretation, the document is E1/130, but I

18 cannot locate that document; however, what I found is document

19 E1/132/1, so it is quite a waste of time for me researching this

20 paper while he's proceeding with the reading.

21 MR. RAYNOR:

22 Let me speak clearly for my learned friend. The document is

23 E1/130.1.

24 To address my learned friend on the international side for Khieu

25 Samphan, can he please have the grace and courtesy not to

1 interrupt my cross-examination with wholly irrelevant and
2 unmeritorious comments about closing statements. Can I please
3 proceed Mr. President?

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 BY MR. RAYNOR:

7 Madam So Socheat, I have read to you extracts from the testimony
8 of Meas Voeun. Do you know anything about any of the issues I
9 have just covered about him releasing your sister from prison?

10 [14.33.40]

11 MS. SO SOCHEAT:

12 A. All that you have read were beyond my knowledge. I did not
13 know anything about what you read. Regarding the release, I did
14 not know anything of the release to - or that Meas Voeun had
15 anything to do with the release. You read a statement made by
16 Meas Voeun and allow me to reinstate my position that I did not
17 know anything about those statements. I simply did not know
18 anything about what you said and I did not know that my husband
19 was in charge of Sector 103; I never heard about that at all.

20 Q. Your husband has told the Investigating Judges in this case
21 that he stayed permanently with the leaders from 1970 to 1975 and
22 that statement by him was made in document number E3/27; English
23 ERN 00156745; Khmer 00156615 and French 00156668. From the time
24 that you got to know him through to 1975, did he stay permanently
25 with the leaders?

1 [14.35.55]

2 A. When I met him, he was with the leaders.

3 Q. From the time you met him up to 1975, is your husband right
4 when he says he stayed permanently with the leaders from your
5 knowledge and observations?

6 A. That was a war period and they were close to one another
7 constantly.

8 Q. In 1972 leading up to your marriage on the 25th of December
9 1972, did you stay at Trapeang Thum?

10 A. I never heard of Trapeang Thum.

11 A. Trapangthim (phonetic) - just wait, I'm going to get the
12 proper pronunciation. Trapeang Thum, you mentioned it yesterday.
13 I'm probably saying it wrong.

14 A. Regarding Trapeang Thum, I stayed at the Trapeang Thum for
15 about 10 days; that is after I left the village and before I
16 entered the location of the leaders.

17 [14.38.25]

18 Q. When you went to the location of the leaders and you carried a
19 meal and served Pol Pot, Nuon Chea and Brother Hem, did you stay
20 at this camp for the leaders up to your marriage on the 25th of
21 December 1972?

22 A. Yes I stayed there.

23 Q. Did you ever hear that Pol Pot had suggested to your husband
24 that he should get married?

25 A. No I did not hear that.

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1 Q. Did Pol Pot, Nuon Chea, Ieng Sary, Son Sen, Vorn Vet; did any
2 of those people attend your wedding ceremony?

3 A. For the wedding there were Pol Pot, Nuon Chea and the wife of
4 Uncle Yim.

5 MR. PRESIDENT:

6 Thank you Prosecutor and Witness; we will have a 20 minute break
7 and return at 3.00 p.m..

8 Court officer, could you assist the witness during the break and
9 have her return to the Court room at 3.00 p.m..

10 Likewise for the duty counsel, the Court is now in recess.

11 (Court recesses from 1440H to 1501H)

12 MR. PRESIDENT:

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

14 I hand over the floor to the Prosecutor to put the question to
15 the witness. You may proceed.

16 BY MR. RAYNOR:

17 Mr. President, thank you very much.

18 Q. Madam So Socheat, was Pol Pot the best man at the wedding?

19 MS. SO SOCHEAT:

20 A. No it was not actually at that time. There was somebody who
21 was working with that Office got married and he was only one of
22 the guests.

23 [15.03.27]

24 Q. For the year after your marriage, so that's 1973, were you
25 with Khieu Samphan every day?

1 A. Yes I met him every day.

2 Q. You said yesterday that there were meetings where people of
3 the base came to attend sessions and meetings. You also said – I
4 quote: "Meetings took place, but Khieu Samphan stayed at home."
5 Are you telling this Court that you can state categorically that
6 in the whole of 1973, Khieu Samphan never attended a meeting with
7 Base People?

8 A. According to the experience I stayed with him. He rarely
9 attended.

10 Q. So he attended some of these meetings?

11 A. I do not recollect it very well. I cannot say whether or not
12 back then he attended it or not. It has been many years already,
13 but overall most of the time he stayed at home.

14 [15.05.50]

15 Q. Have you ever found out, in the six years that your husband
16 has been in detention, that a meeting of the Central Committee in
17 Meak in June 1974 is an important issue in this case?

18 Mr. President, I understand a word wasn't translated. I'm going
19 to ask the question again.

20 Madam So Socheat, in the six years that your husband has been in
21 custody have you ever discovered that a meeting in Meak in June
22 1974 is an important issue in this case?

23 A. I'm afraid I don't know.

24 Q. Yesterday, at "14.20.14" hours, International Counsel for
25 Khieu Samphan was asking you about the time you gave birth to

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1 your first child and you said, and I quote: "And upon returning
2 from China, he," - that's Khieu Samphan, "had to spend about a
3 month being close to me to help take good care of our first child
4 and he remained with us all along."

5 "The mid-afternoon break recommenced at-
6 [15.09.33]

7 MR. PRESIDENT:

8 Mr. Prosecutor, please hold on. The defence counsel is on his
9 feet; you may proceed counsel.

10 MR. KONG SAM ONN:

11 Thank you, Mr. President. I would like to object on this point
12 because this was a misrepresentation of the words of the witness.
13 At that time, this witness testified to the effect that this was
14 the time when their child was a month old; it was not the time
15 period that Mr. Khieu Samphan went to stay with his family for
16 the entire month period.

17 MR. RAYNOR:

18 Mr. President, I am quoting verbatim from a draft transcript that
19 was produced this morning.

20 MR. PRESIDENT:

21 International Counsel for Mr. Khieu Samphan, you may proceed.
22 [15.10.38]

23 MR. VERCKEN:

24 Just to clarify, I think the best thing is to refer to what was
25 said in the original Khmer; that it seems to me is the best

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1 approach to getting clarity here; what did the witness say in
2 Khmer before the break, I think that's the best approach. Thank
3 you.

4 MR. RAYNOR:

5 Mr. President, we do not have the version of the transcript in
6 Khmer. The only way - well, can I just consult with my colleague
7 for one moment?

8 (Short pause)

9 Mr. President, my National colleague, Chorvoïn Song has the Khmer
10 transcript. Can I please propose that she reads out in Khmer the
11 extract and it is interpreted?

12 MR. PRESIDENT:

13 You may proceed.

14 MS. CHORVOÏN:

15 I refer to the same document number and I would like to read the
16 extract. Quote: "And delivered the baby and nobody assisted me. I
17 was all on my own. Later, he apparently returned from China. He
18 stayed there to assist my child for approximately a month." End
19 quote.

20 [15.13.04]

21 BY MR. RAYNOR:

22 Q. So, Madam So Socheat, we've now clarified what you said before
23 lunch, sorry, before the break. I'm now going to ask my National
24 colleague to read the transcript in Khmer for an entry shortly
25 after "15.14.50".

1 MR. PRESIDENT:

2 Counsel for Mr. Khieu Samphan, you may proceed.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President. I merely would like to ask the Chamber
5 to examine this document again because we have video transcript
6 as well. So I don't think it is an issue, but the mere reading of
7 this transcript may pose a question. I would like to read it, the
8 portion, read it out the portion that the National Prosecutor has
9 just read out. "He stayed on to assist my child for a month. He
10 stayed back to assist my child for a month."

11 [15.14.38]

12 So I think it was a difference in the reading of the language.

13 When Mr. Khieu Samphan came to assist her, she really meant that
14 at that time her child was nearly a month old. That is not
15 something difficult to understand in Khmer when we read it
16 carefully.

17 MR. RAYNOR:

18 Mr. President, can you please immediately give a warning to Khieu
19 Samphan's National counsel not to try and say what somebody meant
20 when they were giving evidence. It is grossly - well it's a
21 breach of ethics, he must behave ethically in this Court and what
22 he's just done is totally unethical and he should be given the
23 sternest warning immediately. This is absolutely outrageous.

24 [15.15.35]

25 MR. PRESIDENT:

1 Counsel, you may proceed.

2 MR. KONG SAM ONN:

3 I would like to respond to the Prosecutor, my learned colleagues
4 on this point. It is not the Prosecutor who says that I am
5 unethical. I am talking here about the reading, the way we read
6 the sentence and just now the National Prosecutor read out this
7 portion. The reading could pose a problem as I mentioned to the
8 Chamber that it amounts to a problem. There was a video recording
9 of this proceeding; I don't think that it is an issue; we can all
10 refer to it.

11 MR. PRESIDENT:

12 Mr. Prosecutor, you may resume your line of questioning.

13 BY MR. RAYNOR:

14 Q. My National colleague is going to read out an extract in Khmer
15 from the Khmer transcript that shortly after "15.14.50".

16 [15.16.58]

17 MS. CHORVOIN:

18 Quote, "Ever since his return from China, he stayed with me for
19 some months. It could have been three or four months. I do not
20 recall exactly how many months, but it was all the time until
21 Office B-17 and then we stayed there for about a month and then
22 we left for B-20 and then when we were at B-20 we lived together
23 and then we left B-20 for Meak; we resided in Meak after B-20."

24 BY MR. RAYNOR:

25 Q. Madam So Socheat, why did you mention one month before the

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1 break and the number of months after the break? Was this another
2 example of you getting it wrong and trying to make it right
3 later?

4 MS. SO SOCHEAT:

5 A. Could you please repeat your question? If I may clarify it, to
6 the best of my recollection, my husband back then, returned from
7 China. I tried to understand your question and I would like to
8 clarify this point.

9 [15.18.46]

10 My husband returned from China and when he arrived, my child was
11 almost a month old and then he stayed with me at B-17 and then
12 B-20 and then we moved to Meak. We stayed together for
13 approximately three months; almost up until the liberation day of
14 Phnom Penh. That's what I can recall; that's what I stated in my
15 testimony. I have no intention to change my statement. I recall
16 my statement. That is what I testified in the Court.

17 Q. Can we agree on this: that you did not see your husband from
18 the time of the birth of your son until one month later which
19 would be in June 1974?

20 A. With permission from Mr. President, I would like him to
21 clarify the question because he is trying to pick this event and
22 that event from this time period to another time period; so I am
23 being confused.

24 [15.20.33]

25 MR. PRESIDENT:

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1 Mr. Prosecutor, I think that you understand this. Please try to
2 simplify your question so that the witness find it easier to
3 understand; and this is the advice given to all parties that
4 questions be succinct and short so that the witness understand
5 fully the question so that he or she can respond to it
6 appropriately. And please, always refrain from asking lengthy
7 questions and complicated questions that the witness might not
8 understand it properly.

9 This should be well understood by all parties involved because
10 this has been the instruction by the Chamber all along.

11 BY MR. RAYNOR:

12 Thank you, Mr. President.

13 Q. Madam So Socheat, is it right that the first time you saw your
14 husband after the birth of the child was one month after the
15 birth in June 1974?

16 MS. SO SOCHEAT:

17 A. Yes, that is correct.

18 Q. He had been on a tour of many countries and arrived back in
19 Cambodia on the 13th of June. Did you go to the Airport to meet
20 him?

21 A. No I didn't.

22 [15.22.38]

23 Q. You cannot say to this Court can you, where your husband was
24 for every day in June 1974?

25 A. When he returned, he came to see me then we stayed in K-17 and

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1 he stayed there until we left for B-20 and then Meak. And then
2 half a month later, we left for Phnom Penh – no, no rather I did
3 not know whether or not we left for Phnom Penh or so, but it was
4 approximately half a month after we stay in – we left for Phnom
5 Penh.

6 Q. Madam So Socheat, you cannot categorically state to this
7 Court, can you, where your husband was every single day of June
8 1974?

9 A. No, I cannot. But, at that time, he did not go anywhere. He
10 stayed with me.

11 [15.24.16]

12 Q. I'm moving on to your time after the evacuation of Phnom Penh.
13 Your husband has told the Co-Investigating Judges in document
14 E3/27, English ERN 00156745; Khmer 00156615 and French 00156668
15 that he was brought to the railway station and that he and Pol
16 Pot stayed at the railway station for one month before going to
17 the Silver Pagoda.

18 According to your evidence yesterday, one week after Phnom Penh
19 was liberated, you left K-17 for Sdok Taol at night and met Khieu
20 Samphan, stayed overnight and then had to leave your child with
21 So Hong's spouse and that you then reached a train station where
22 you had to cook for people there. What was this train station
23 that you were at?

24 A. Yes, I prepared food for them.

25 Q. There is a very grand railway station on Monivong Boulevard in

1 Phnom Penh. It currently has a cream exterior with green and it's
2 a very attractive building. Isn't this the railway station that
3 you were at?

4 A. The railway station? I do not understand. There was only one
5 railway station or other railway station; I don't understand
6 what. There was only one place -- one railway station that was
7 the centre of the railway station.

8 Q. You said yesterday that you were at that railway station for
9 over a week; is that correct?

10 A. Yes.

11 Q. But if your husband was there for a month and you were there
12 for a week, you never saw him at the railway station. Is that
13 right?

14 A. No, I never met him then.

15 Q. When you went to see your husband at Sdok Taol and stayed
16 overnight with him, did he tell you that he had spoken with Pol
17 Pot about the evacuation of the people from Phnom Penh and
18 expressed his disagreement with Pol Pot?

19 [15.29.18]

20 A. I didn't know about that at the time.

21 Q. From the time of your marriage on the 25th of December 1972
22 until the Vietnamese arriving on the 6th or 7th of January 1979,
23 did your husband ever tell you that he had ever disagreed with
24 Pol Pot?

25 A. No, he never told me anything about that.

1 Q. Did you listen to a speech your husband gave and I refer to
2 E3/118, English 00166994; French 00845855; and Khmer 00846160;
3 the E3 number is E3/118. So did you listen to a speech he gave on
4 the 21st of April 1974 broadcast over the Phnom Penh Domestic
5 Radio Service where he spoke of the victory draining the
6 population, draining the enemy and the enemy dying in agony?

7 A. No, I did not listen to that speech.

8 [15.32.19]

9 Q. Did Khieu Samphan ever, in the Democratic Kampuchea period,
10 talk with you about draining the population?

11 A. He talked about the evacuation of people as we were talking
12 about our relatives and family members, and that's the limit of
13 it and he did not speak broad on the subject, that's all I knew.
14 He wanted to know about the whereabouts of the relatives.

15 And allow me to clarify; he spoke to me about that after we came
16 to live in Phnom Penh.

17 Q. You have said earlier in your testimony that the first time
18 you spoke about the relatives with Khieu Samphan, was one year
19 after the evacuation. Was your earlier testimony correct?

20 A. It is a correct statement.

21 Q. I want to move to another topic, K-3. In the transcript of a
22 video recording with your husband, D313.11.1, your husband said
23 and I quote:

24 "My wife was always at the communal kitchen cooking food with a
25 few other ladies. She regularly cooked food when meetings to

1 perform self-criticism were held."

2 Is your husband right when he says this?

3 MR. PRESIDENT:

4 Witness, please wait. The international counsel for Khieu

5 Samphan, you may proceed.

6 [15.35.36]

7 MR. VERCKEN:

8 Yes, Mr. President, I would like to request something of my

9 learned friend. Is this document on the list of documents that

10 were announced? It is - it appears that is not the case. And

11 unless he specifies what his document is, it shouldn't just give

12 a quote very quickly. We should be very transparent. My question

13 is for the Prosecutor, is this document on the list of the

14 documents that he announced?

15 MR. RAYNOR:

16 Mr. President, to answer the question, the document I'm referring

17 to is a transcript of a video recording. I've given the D number;

18 it's not being downloaded onto any interface. Again, I couldn't

19 necessarily anticipate that this was definitely going to be put.

20 I just want to check about the Rule 80 list, just - can I just

21 take a moment?

22 Yes, it was on the Rule 80 list. So in accordance with previous

23 practice, I respectfully submit that given that's on the Rule 80

24 list, given that I'm describing the document, given that it's a

25 transcript, given that it's available; that this is a proper line

1 of questioning.

2 [15.37.26]

3 MR. PRESIDENT:

4 You may proceed then.

5 BY MR. RAYNOR:

6 Q. Was Khieu Samphan right in that description of your activities
7 at K-3?

8 MS. SO SOCHEAT:

9 A. Pardon me; I don't really understand when you talk about the
10 communal kitchen and about the self-criticism meetings. I don't
11 understand the nature of the question, so I cannot respond to
12 that.

13 MR. PRESIDENT:

14 Prosecutor, please repeat your last question to the witness.

15 [15.38.24]

16 BY MR. RAYNOR:

17 Madam So Socheat, your husband told a journalist these words, and
18 I quote:

19 "My wife was always at the communal kitchen cooking food with a
20 few other ladies. She regularly cooked food when meetings to
21 perform self-criticism were held."

22 Q. Is your husband right in what he said to the journalist?

23 MR. PRESIDENT:

24 Witness, please wait. I notice the national counsel for Khieu
25 Samphan is on his feet. You may proceed, counsel.

1 MR. KONG SAM ONN:

2 Thank you, Mr. President. This is the same issue and I'd like the
3 Prosecution to once again specify the ERN number of the page of
4 that document.

5 MR. RAYNOR:

6 Mr. President, this is turning into a farce. Responsible
7 advocates advocate, they do not-

8 [15.40.07]

9 MR. PRESIDENT:

10 Prosecutor, please adhere to the practice by the Chamber,
11 indicate the ERN number, the page number or the time allocation
12 for that phrase. That is not the fault of the counsel for the
13 defence; that is the instruction of this Chamber. Please adhere
14 to it.

15 BY MR. RAYNOR:

16 The relevant timing is "00.38.48".

17 Q. Madam So Socheat, is what your husband told the journalist
18 right?

19 MS. SO SOCHEAT:

20 A. As the Prosecutor put it, the cooking in the kitchen for the
21 communal meal, that part is correct. But when you were talking
22 about the criticism meetings, I don't understand that part. I
23 don't really understand what you mean by that. I, myself, I did
24 the cooking but I don't really understand what you mean by the
25 criticism meetings.

1 [15.42.04]

2 Q. I'm going to move on. In document number E3/37, English ERN
3 00156755; French 00156683 and Khmer 00156676 through 77; your
4 husband told the Co-Investigating Judges that he lived at K-3
5 with Nuon Chea, Ieng Sary and Son Sen; is that correct?

6 A. To my experience, that is not correct.

7 Q. Carry on.

8 A. And why I say it is not correct? Because while we were living
9 together, they were living there as well, but later on they had
10 left. They stayed there for a short period of time. And for that
11 reason, I say that statement is incorrect. That is while they're
12 living together at K-3. So you need to specify the time period,
13 because while I was there they were all living together, Pol Pot,
14 Nuon Chea, Ieng Sary, but later on they had left, all of them had
15 left.

16 [15.44.38]

17 Q. In the video recording - or the transcript of the video -
18 which is D313.11.1, at time marker "00.38.48", your husband said
19 of his time at K-3 the following words and I quote - the ERNs
20 incidentally, sorry, are English 00815884; French 00826486; and
21 Khmer 00807463. So, this is your husband speaking:

22 "As for daily life, Pol Pot and Nuon Chea had meals with me and
23 we had meals together. We did nothing separately."

24 Do you agree with your husband that when he was at K-3, he did
25 nothing separately from Pol Pot and Nuon Chea?

1 A. At that workplace I only saw them together during mealtimes.

2 MR. RAYNOR:

3 Mr. President, I'd like to move on to another topic.

4 [15.46.54]

5 BY MR. RAYNOR:

6 Q. Madam So Socheat, earlier today reference was made to a

7 statement by a man who you named in Court as Leng Chhoeung; he

8 was Khieu Samphan's driver. The relevant document number for his

9 OCIJ interview is E3/385. At question 6 he stated as follows and

10 I quote:

11 "In 1978, they assigned me to drive Khieu Samphan, but I did not

12 know who assigned me. When I drove for Khieu Samphan, I stayed in

13 the K-3 Office near Khieu Samphan's house. At that time, Nuon

14 Chea and Ieng Sary also stayed in the K-3 Office. Their houses

15 were next to each other, but faced opposite directions."

16 My first question is, do you agree with this witness when he says

17 that it was in 1978 that he began driving for Khieu Samphan?

18 A. I cannot recall the exact period, but I think the statement

19 you read is correct.

20 [15.49.32]

21 Q. In the transcript of the testimony of a witness called Oeun

22 Tan, who was the head of security at K-1, and I refer to the

23 transcript of proceedings on the 13th of June 2012, E number

24 E1/86.1, at time marker "11.52.44", he said:

25 "K-3 was the residents' place for Nuon Chea and Khieu Samphan,

1 and the workplace was at K-1. At K-1 it was the workplace for all
2 leaders. As for K-3, everyone was to attend meetings at K-1."

3 My first question is, do you agree with Oeun Tan that K-3 was the
4 residents' place for Nuon Chea and Khieu Samphan?

5 A. No, Nuon Chea did not stay there; he stayed at K-1. Only
6 occasionally he came to K-3.

7 Q. I'd like to clarify that last answer by going back to
8 something your husband said, it's E3/37, I've already given the
9 ERN numbers, because your husband told the Co-Investigating
10 Judges that he lived at K-3 with Nuon Chea. So has your husband
11 got that wrong?

12 A. I did not see him staying there constantly, he only went there
13 occasionally. And that's my truthful answer to your question.
14 During the time that I was there that I cooked, I occasionally
15 saw him going there, but he did not stay there.

16 [15.52.53]

17 Q. Your husband said in another extract of the same document at
18 French ERN 00156683; Khmer 00156676 to 77; and English ERN

19 00156755; your husband said the following words and I quote:

20 "As for myself, I lived in K-3 after I had stayed at K-1 for two
21 or three months after we moved from the Silver Pagoda in the
22 Royal Palace."

23 And it's the next sentence I'd like you to concentrate on:

24 "In fact, most of the leaders lived in K-3, Ieng Sary, Son Sen,
25 Nuon Chea and as for Pol Pot, once in a while he stayed in K-3."

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1 My question for you is, was your husband telling the truth when
2 he said that he lived in K-3 with Nuon Chea?

3 MR. PRESIDENT:

4 Witness, please wait. Counsel for Khieu Samphan, you may proceed.
5 [15.54.54]

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. What has been raised by the Prosecutor
8 is rather repetitive. But the question is the Prosecutor should
9 specify the time period when Khieu Samphan or when Nuon Chea
10 stayed at K-3. This is my request to the Chamber, Your Honour.

11 BY MR. RAYNOR:

12 Q. Your husband was asked on this page the following question:
13 "What does the reference to K-1 and K-3 mean?"

14 And his answer was:

15 "Most of the leaders lived in K-3, Ieng Sary, Son Sen and Nuon
16 Chea."

17 Before the exodus that you described yesterday, did Khieu Samphan
18 live with Nuon Chea at K-3; yes or no?

19 [15.56.38]

20 MS. SO SOCHEAT:

21 Mr. President, with your permission, the question should actually
22 specify the time period.

23 MR. PRESIDENT:

24 Witness, please respond based on your knowledge and based on the
25 time period that you knew.

1 MS. SO SOCHEAT:

2 A. We stayed for a while at K-1 and then all together came to
3 K-3. That is my best recollection of the event. All of us came to
4 K-3, namely Pol Pot, Nuon Chea, Ieng Sary, Son Sen and the
5 spouses came along as well. And there were other people who came
6 along too, including Doeun and Vorn Vet. So all of them came to
7 stay at K-3 all together and after a while, they had left. And
8 that is my response to this question.

9 [15.57.54]

10 Q. Madam So Socheat, I want to put a suggestion to you and I want
11 you to respond to my suggestion.

12 My suggestion to you is this, that you and your husband have got
13 together and concocted evidence about a supposed exodus from K-3
14 by senior leaders in a deliberate, dishonest and cynical attempt
15 to lie to this Chamber and to mislead each one of these judges.

16 What do you say to that suggestion?

17 MR. PRESIDENT:

18 Witness, please wait. Counsel, you may proceed.

19 MR. KONG SAM ONN:

20 Thank you, Mr. President. What has been suggested by the
21 Prosecutor is to put all the blame on the witness. And how can
22 the Prosecutor put such a suggestion to the witness? There is no
23 respect at all by this Prosecutor for this witness, Mr.
24 President.

25 MR. RAYNOR:

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1 The purpose – can I respectfully suggest, Mr. President – of
2 cross-examination is to put the Prosecution case and test the
3 credibility and reliability of a witness. I'm suggesting to this
4 witness that she is a liar and she should be given the
5 opportunity to respond.

6 (Judges deliberate)

7 [16.02.03]

8 MR. PRESIDENT:

9 The objection and ground of objection by counsel of Khieu Samphan
10 is not valid. The Chamber needs to hear the response by the
11 witness to the last question put to her by the Prosecutor.

12 Witness, you are instructed to respond to the last question if
13 you recall the question. Otherwise, the Prosecutor can repeat the
14 question.

15 And please be reminded that this is the last question for this
16 afternoon's session.

17 MS. SO SOCHEAT:

18 President, I'd like the Prosecutor to put the question again.

19 MR. PRESIDENT:

20 Prosecutor, please repeat your last question.

21 [16.02.56]

22 BY MR. RAYNOR:

23 Q. Madam So Socheat, my suggestion to you is that you and your
24 husband have got together and concocted evidence about a supposed
25 exodus from K-3 by senior leaders in a deliberate, dishonest and

1 cynical attempt to lie to this Chamber and to mislead each one of
2 these judges. What do you say?

3 MS. SO SOCHEAT:

4 A. Mr. President, allow me to respond. To my best knowledge and
5 my experience and to my eyewitness of the events that remained
6 with me till today -- that is the living of my - the living
7 conditions or the atmosphere of my husband with those people were
8 for a limited time period. That's all I recall and I am sure on
9 that period.

10 [16.05.14]

11 And I am not here to lie to the Court because my husband is a
12 detainee here and he's been detained here for five years, more
13 than five years. I do not lie to the Court. What I tell Your
14 Honours is for Your Honours to know that I am truthful in my
15 statement. And as I repeatedly said, they stayed together for a
16 period of time, for some months, and then they had left. And
17 that's what I accepted in my response to the question by the
18 Prosecutor. And that's the time period that I knew and then they
19 had left. And if Your Honours don't believe in my statement or
20 the Prosecutor doesn't believe in my statement, then there is no
21 need for me to testify here anymore. It's like the Prosecutor
22 seems to discredit my statements that I make before Your Honours.
23 I speak of what I know and I cannot tell the Prosecutor what I do
24 not know.

25 MR. PRESIDENT:

1 Thank you, witness. The Prosecutor, you may proceed.

2 [16.07.06]

3 MR. RAYNOR:

4 Mr. President, can I simply – can I be absolutely frank with the
5 Court? I have done 12 pages of cross-examination, I'm currently
6 on page 9, I have three more topics to cover; can I please ask
7 for 25 minutes tomorrow morning, at maximum?

8 And can I add, obviously the many objections, particularly on the
9 Khmer translation issue, have added to matters this afternoon.

10 MS. SIMONNEAU-FORT:

11 Yes, Mr. President. As far as I'm concerned, we are not opposed
12 to the Co-Prosecutor's request, but we'll need 30 to 40 minutes
13 after he completes his examination. This is a very modest request
14 on our part.

15 [16.08.14]

16 MR. VERCKEN:

17 The Prosecutor has made a request and the Chamber will take a
18 decision. But I do remember being myself in the same position
19 that the Prosecutor was in at one evening when a witness was
20 being questioned within a common law framework, in other words,
21 the series of final suggestions leading to the person in the
22 stand being told they are a liar, what do you say? And the
23 Chamber said I couldn't proceed in that way, saying that that
24 kind of question and the need to put the witness before a certain
25 theory and thesis was not a part of the practice of a Chamber of

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1 this kind. And so I'm a little surprised when I see the
2 Prosecution accusing the witness of being a liar. I quite
3 understand that you are trying to put her before a certain
4 theory, but it doesn't seem to be the same kind of treatment that
5 is being meted out to the Defence. So I don't really believe we
6 need to continue with this exercise tomorrow. The Prosecution has
7 already been given extra time, he says he has pages and pages of
8 work to do, but I'm afraid that's the same case for all of us.
9 And I do believe that he has used his time as he wanted to do and
10 I believe that that is about enough now. Thank you.

11 [16.10.04]

12 MR. RAYNOR:

13 Can I give my learned friend this promise? I will not suggest
14 tomorrow again, that So Socheat is a liar; that's been covered.
15 And the matters upon which I wish to ask questions are factual.
16 Thank you.

17 MR. PRESIDENT:

18 The Chamber grants the request by the Prosecution and by the lead
19 co-lawyers.

20 So you will have one session tomorrow morning to put questions to
21 this witness.

22 The hearing today is now adjourned and we will continue tomorrow,
23 that is Wednesday the 12th of June 2013 commencing from 9.00 a.m.
24 For the morning session, we will continue to hear the testimony
25 of the witness, So Socheat, who will be questioned first by the

1 Prosecution and by the lead co-lawyers, and then by Nuon Chea's
2 defence.

3 And then we will hear the testimony of TCW-648. This information
4 is for all parties, support staff and the general public.

5 [16.11.27]

6 Madam So Socheat, the hearing of your testimony is not yet
7 concluded and we will continue to hear your testimony tomorrow
8 morning. It could be for one morning session only, so you are
9 invited to return tomorrow.

10 Court officer, in collaboration with WESU, please assist the
11 witness, So Socheat, for her - returning to her residence and
12 have her return to the courtroom to testify tomorrow morning at
13 9.00 a.m. Likewise, the duty counsel you are invited to once
14 again come to the courtroom with your client tomorrow morning.

15 Security guards, you are instructed to take the two accused, Nuon
16 Chea and Khieu Samphan, to the detention facility and have them
17 return to the courtroom tomorrow morning prior to 9.00 a.m.

18 As for Nuon Chea, take him to the holding cell downstairs with
19 audio-visual equipment so he can follow the proceedings remotely.

20 The Court is now adjourned.

21 (Court adjourns at 1612H)

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