



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

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Nation Religion King
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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

12 June 2013
Trial Day 193

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

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KHIEU Samphan

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I N D E X

MS. SO SOCHEAT (TCW-673)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CHET VANLY	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. HONG KIMSUON	Khmer
MR. KHIEU SAMPHAN	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. MAM RITHEA	Khmer
MS. MARTINEAU	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. RAYNOR	English
MR. SIM HAO (TCW-648)	Khmer
MS. SIMONNEAU-FORT	French
MS. SO SOCHEAT (TCW-673)	Khmer
MS. SONG CHORVOIN	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 For today's proceeding, we continue to hear the testimony of the
6 witness, So Socheat, and after we will hear the testimony of the
7 witness TCW-648.

8 [09.03.16]

9 Duch Phary, could you report the attendance of the parties and
10 the individuals to today's proceeding?

11 THE GREFFIER:

12 Mr. President, all parties are present today.

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

16 There are two witnesses appearing before this Chamber today for
17 the morning session. We will continue to hear the testimony of
18 the witness, So Socheat, who is already present in the courtroom
19 and the second witness is TCW-648. This witness is also present.
20 We also have a reserve witness as stated in E288; this person -
21 this witness is a new witness so there is no pseudonym for this
22 witness.

23 MR. PRESIDENT:

24 Thank you.

25 The floor is now given to the Prosecution to continue putting

2

1 questions to this witness. You are granted a maximum of 25
2 minutes so tailor your questions accordingly. You may proceed.

3 [09.05.04]

4 QUESTIONING BY MR. RAYNOR RESUMES:

5 Mr. President, Your Honours, may it please you. Good morning, and
6 good morning to my fellow counsel.

7 Q. I'd like to start, please, by referring to a telegram; the E
8 number is E282.1.19. This is a telegram of the 8th of October
9 1974. The telegram is from sources in the United States and at
10 paragraph 7 there is the following entry, and I quote:

11 "GRUNK 'acting' prime minister and army commander Khieu Samphan
12 has issued a series of appeals to youths, students and
13 intellectuals; to troops and police; to monks; and to government
14 personnel. The radio appeals set forth his views of GKR economic
15 difficulties and territorial losses [...] and about the
16 determination to fight on and he asks listeners to rise up, raid
17 rice store houses, shoot GKR officials or, at the least, 'not do
18 anything physically or morally which may give encouragement to
19 the traitorous clique.'" End quote.

20 [09.07.47]

21 Madam So Socheat, I'll repeat the question. Did you ever hear
22 your husband issuing appeals to shoot officials from the former
23 regime?

24 MS. SO SOCHEAT:

25 A. No, I never heard that.

3

1 Q. Thank you. Next, I refer to telegram of the 31st of December
2 1974. It is E number E282.1.22.

3 MR. PRESIDENT:

4 International Counsel for Khieu Samphan, you may proceed.

5 [09.09.12]

6 MR. VERCKEN:

7 I did not wish to intervene on the first question, Mr. President.

8 I have no objection in principle to that question being put to
9 the witness, but there are a certain number of rules that your
10 Chamber has set including prior communication by parties of
11 documents that they intend to use when questioning witnesses and
12 the first telegram that was cited by the prosecutor is not on the
13 interface. The second is not on the interface either. The
14 prosecutor yesterday claimed at the end of the afternoon's
15 hearing that he had another three pages of questions and I find
16 it hard to believe that on the three pages there are documents
17 that are not on the interface.

18 [09.10.03]

19 So I'm a little puzzled about what is going on here. Is the
20 prosecutor authorized to use documents that have not been
21 signalled in advance? I am asking the Chamber if it would kindly
22 take a decision on this issue. Thank you.

23 MR. RAYNOR:

24 Mr. President, the position is this; that these documents were
25 not downloaded by me last night. They were being discussed by me

4

1 and others in transport back from the Court last night.
2 I accept I could at 10 o'clock last night or perhaps at 6 o'clock
3 this morning put them on the interface. I apologize to my learned
4 friend that that was not done. These are, in my respectful
5 submission, important documents and the importance of these
6 telegrams as a body of documents is illustrated by the fact that
7 my learned friends' defence team have submitted a motion to the
8 Trial Chamber saying that these telegrams are also relevant from
9 their point of view. So I do ask to continue, with my apologies
10 to my learned friend, for not putting these on the interface last
11 night.

12 (Judges deliberate)

13 [09.11.56]

14 MR. PRESIDENT:

15 Yes, Counsel, you may proceed.

16 MR. VERCKEN:

17 Very briefly, Mr. President, I do believe moreover that these are
18 Wikileaks telegrams which have been the subject of two requests
19 on both side of the aisle and which have been a part of an
20 announcement about a future refusal by your Chamber.

21 (Judges deliberate)

22 [09.12.56]

23 MR. RAYNOR:

24 Mr. President, could I ask for very brief permission to be heard,
25 please?

5

1 (Judges deliberate)

2 [09.14.41]

3 MR. PRESIDENT:

4 The Prosecution, you're reminded once again that your time that
5 we granted is very limited so please try not to raise any
6 controversy issues during the limited time that you have been
7 allocated. You better use the appropriate documents that have
8 been accepted by the Chamber.

9 And regarding the document that you just quoted, could you please
10 enlighten the Court on the source of that document or is the
11 suggestion made by the counsel is correct?

12 MR. RAYNOR:

13 Mr. President, can I explain that these are declassified
14 documents obtained -- we call them the Wikileaks documents --
15 they bear unclassified markings. They have been legally
16 declassified and my learned friend is correct that both the
17 Office of the Co-Prosecutors and the Khieu Samphan team submit
18 that these documents are relative and probative evidence in this
19 case. Can I move on, please, to another topic?

20 (Judges deliberate)

21 [09.16.16]

22 MR. PRESIDENT:

23 Prosecutor, please move on and disregard your previous question
24 regarding the objected document.

25 BY MR. RAYNOR:

1 Thank you.

2 Q. Madam So Socheat, do I have this right that after the
3 occupation of Phnom Penh you stayed at the Silver Pagoda for some
4 months and that it was probably mid or late 1975 that you went to
5 K-1?

6 MS. SO SOCHEAT:

7 A. I left Silver Pagoda to K-1 first and not to K-3, but I cannot
8 recall the number of months.

9 Q. In your evidence before the Court on the 10th of June, I refer
10 to the transcript with the time mark of 14.37.46; you stated
11 this, and I quote: "I stayed at the Silver Pagoda for some
12 months. It was probably until mid or late 1975, then I went to
13 K-1." Was that answer you gave accurate?

14 A. Yes, that is correct.

15 [09.18.22]

16 Q. In your testimony on the same day, time marker 14.40.21; you
17 stated that: "K-1 was the workplace for the leaders, leaders like
18 Pol Pot, Nuon Chea. They lived there and some other people."

19 Khieu Samphan stayed there with Pol Pot and Nuon Chea; didn't he?

20 A. Yes.

21 Q. When you referred to "some other people staying there with Pol
22 Pot and Nuon Chea", who are these other people?

23 A. At that time I did not know everybody. I knew for certain of
24 Pol Pot and Nuon Chea, Khieu Samphan, Ieng Sary. As for the rest,
25 I didn't know them well. I only knew through the food that I

7

1 cooked, there were a number of other people there.

2 Q. In your testimony with time marking also at 14.43.36, you said
3 that: "People came to Phnom Penh from the base to K-1." How often
4 did people from the base come to K-1 when your husband was
5 together with the other leaders there?

6 A. I cannot recall the frequency of their appearance. Based on
7 the food that I prepared, sometime I had to prepare more food and
8 sometime I prepared less food and some of the times there were
9 only a few of them.

10 [09.21.25]

11 Q. Where you head of the kitchens at K-1?

12 A. No.

13 Q. Who was head of the kitchens?

14 MR. PRESIDENT:

15 Witness, please wait.

16 The counsel, you may proceed.

17 MR. VERCKEN:

18 Just to say that we didn't get the prosecutor's question because
19 of the time lag on the interpretation. I only heard the answer,
20 Mr. President.

21 [09.22.07]

22 BY MR. RAYNOR:

23 Q. If I recap, I asked the question: "Were you the head of the
24 kitchens at K-1?" and the answer was: "No." And the question I've
25 just asked that I repeat, Madam So Socheat, who was the head of

8

1 the kitchens at K-1 if it wasn't you?

2 MS. SO SOCHEAT:

3 A. At that time I was not told who was the head of the kitchen.

4 Q. Who was in charge of cooking the meals when the leaders from
5 the base came?

6 A. There was the wife of Nuon Chea who was present there.

7 Q. Were you head of the kitchens at K-3?

8 A. No, I was not.

9 Q. In document number E3/16, which is Chapter 5 of a book written
10 by your husband, English ERN 00498280; French, 00643886 and Khmer
11 -

12 MR. PRESIDENT:

13 Counsel, you may proceed.

14 [09.24.10]

15 MR. VERCKEN:

16 I'm sorry to interrupt, once again, but we are, once again,
17 looking at a document that has not been announced to us in
18 advance.

19 MR. PRESIDENT:

20 Prosecutor, could you clarify the material regarding the
21 documents that you referred to in your question and please be
22 reminded once again, that we grant you a very limited time and
23 you better use the time efficiently and with the proper
24 documents; the documents that have been placed before the
25 Chamber.

9

1 [09.25.07]

2 MR. RAYNOR:

3 This document is on the Rule 80 list; it has been referred to
4 already in evidence in this trial. It was not downloaded to the
5 interface. Am I able to refer to this document or not? I want to
6 quote one sentence consisting of 12 words.

7 MR. PRESIDENT:

8 You may now refer to this document as the document has been
9 referred to already for questioning other witnesses.

10 BY MR. RAYNOR:

11 Q. I think I was half through the Khmer ERN, can I repeat that;
12 00380459/60. So this is your husband, Ms. So Socheat, writing
13 this in a book and I quote: "My wife was in charge of the
14 kitchen." Is he telling the truth?

15 MS. SO SOCHEAT:

16 A. Yes.

17 [09.26.35]

18 Q. Do you accept that you have just been mistaken in your first
19 reply to me when you said you were not head of the kitchen?

20 MR. PRESIDENT:

21 Witness, please wait.

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

23 MR. KONG SAM ONN:

24 Thank you, Mr. President. I object to the question by the
25 prosecutor. In fact, it is the prosecutor who was mistaken

10

1 regarding the response of the witness. The witness actually
2 agreed to the question put to her by the prosecutor that she was
3 in charge of cooking. And to be in charge of cooking is different
4 from to be the chief of the kitchen. That is for your
5 consideration, Your Honour.

6 [09.27.52]

7 BY MR. RAYNOR:

8 Your Honour, the question I first asked was: "Were you head of
9 the kitchens at K-1" and the answer was: "No." I'm going to move
10 on.

11 Q. Now Madam So Socheat, you -

12 (Judges deliberate)

13 [09.28.25]

14 MR. PRESIDENT:

15 The objection and ground for the objection is unfounded.
16 And Witness, you are instructed to respond to the last question
17 put to you by the prosecutor.

18 BY MR. RAYNOR:

19 Q. My last question was: Do you accept that you were mistaken
20 when you said you were not head of the kitchen?

21 MS. SO SOCHEAT:

22 A. I was not the head, so that is incorrect.

23 [09.29.26]

24 Q. You said in your evidence on the 10th of June, time marker
25 14.46.03, and this is dealing with the move from K-1 to K-3:

11

1 "Most of the leaders went to K-3 and like him, Khieu Samphan, he
2 left the K-3 before me and that was probably in late 1975 or
3 early 1976." Was your previous answer that I have just read,
4 accurate?

5 A. I am sorry, Mr. President. I do not understand the question by
6 the prosecutor.

7 MR. PRESIDENT:

8 Mr. Prosecutor, can you please repeat your question? As I advised
9 yesterday, that the question be succinct and easy to understand
10 by the witness. Please be aware of that; try to avoid a
11 complicated question that make the witness difficult to
12 understand so he or she might not be able to respond to your
13 question.

14 [09.30.58]

15 BY MR. RAYNOR:

16 Q. Madam So Socheat, did your husband leave K-1 for K-3 in late
17 1975, early 1976?

18 MS. SO SOCHEAT:

19 A. That is correct.

20 Did you follow him about two or three months after he had left?

21 A. Yes, that is correct.

22 Q. And is it right that you and your husband stayed for four or
23 five months at K-3 before the exodus when the leaders left?

24 A. Yes, that is right.

25 Q. Was it therefore, in 1976 when you say the leaders left?

12

1 [09.32.50]

2 MR. PRESIDENT:

3 Mr. Prosecutor, can you please repeat your last question and
4 please refer to a specific office; for example, K-3 or K-1 or so,
5 rather than using these because I would like you to make sure
6 that you refer to any specific office so that the witness can
7 respond appropriately.

8 BY MR. RAYNOR:

9 Thank you, Mr. President.

10 Q. Madam So Socheat, did the senior leaders leave K-3 in 1976,
11 leaving you and your husband at K-3?

12 MS. SO SOCHEAT:

13 A. Yes, that is correct.

14 Q. After the leaders left, did your husband ever complain to you
15 that the other leaders were having meetings behind his back?

16 A. No, he did not.

17 [09.34.24]

18 Q. I want to move onto another topic. It may be my final topic
19 given the timings from the Court.

20 Do you remember Sua Vasi alias Doeun?

21 A. I can only recall the name Doeun; I never know Sua Vasi.

22 Q. Did you ever leave food on the table for him?

23 A. Yes, I did.

24 Q. Was it - well, at which location did you leave food on the
25 table for Doeun?

1 A. It was at K-3.

2 Q. Did you know Doeun's wife?

3 A. No, I didn't.

4 Q. In what year did you first see Doeun?

5 A. It was in K-3 in 1976. It could have been 1976, to the best of
6 my recollection, but I don't recall the exact date.

7 [09.36.22]

8 Q. Did you ever see Doeun in 1977?

9 A. I do not recollect.

10 Q. Did you ever discuss Doeun with your husband?

11 A. No, I didn't.

12 Q. How many times did you leave food on the table for Doeun?

13 A. Relatively many times, but I do not recall the - exactly how
14 many times, but there were many occasions.

15 Q. Did you ever, at meal times, see your husband sat at the table
16 talking with Doeun?

17 A. No, I never saw him talk to Doeun, but of course, they chatted
18 with each other.

19 [09.38.04]

20 Q. Were Doeun and your husband reasonably good friends?

21 A. No, it wasn't everyday chit-chat between the two of them.

22 Q. Did there come a time when you discussed with your husband
23 that Doeun wasn't coming to eat and wasn't there?

24 A. No, nobody told me.

25 Q. In the documents I've already referred to, E3/16 and I have

14

1 given the ERN's already, your husband said in this book the
2 following and I quote:
3 "My wife was in charge of the kitchen and left food on the table
4 for him. Very frequently he was not seen to come to eat. After a
5 long time, we seemed to get used to this situation." Close quote.
6 So, is your husband right when he says that, you and him, got
7 used to the situation of Doeun not eating at K-3?

8 A. Yes, he is right.

9 [09.40.17]

10 Q. So you did discuss Doeun with your husband and you did discuss
11 that he was no longer at K-3. Is that correct?

12 MR. PRESIDENT:

13 Witness, please hold on.

14 Counsel, you may proceed.

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. I would like to object against this
17 question. I believe that this question is leading in nature and
18 in addition, she has not made any statement that she had
19 discussed with Mr. Khieu Samphan on the disappearance of Doeun.
20 So I would like to object against this question on this basis.

21 Thank you, Mr. President.

22 [09.41.27]

23 MR. PRESIDENT:

24 Mr. Prosecutor, you may proceed.

25 MR. RAYNOR:

15

1 Sorry, Mr. President, I didn't mean to interrupt you.

2 Mr. President, for the third time in this case, my learned

3 friend, the national counsel for Khieu Samphan, is

4 misrepresenting answers given by her. I will have an application

5 in this regard at the end of this portion. The question I asked

6 earlier was as follows: Did there come a time when you discussed

7 with Khieu Samphan that Doeun wasn't coming to eat and wasn't

8 there? And the answer was: "No, nobody told me."

9 So, please, this cannot continue with my learned friend

10 misrepresenting evidence and making objections.

11 Can I please repeat the question, Mr. President?

12 [09.42.40]

13 MR. PRESIDENT:

14 The objection and ground for objection by the national defence

15 counsel for Mr. Khieu Samphan is not appropriate and not

16 sustained. And the counsel, please be advised that you should

17 refrain from putting such an objection and witness is now

18 directed to respond to the last question by the prosecutor.

19 MS. SO SOCHEAT:

20 A. Could you please repeat your last question?

21 BY MR. RAYNOR:

22 Q. So you did discuss Doeun with Khieu Samphan and you discussed

23 that he was no longer at K-3; is that correct?

24 MS. SO SOCHEAT:

25 A. To my knowledge, I did not make mention that he was no longer

16

1 there, but I asked why Doeun did not come for his meal. I never
2 asked him such a question, but then my husband told me that just
3 left there, he might come. So that's what our conversation was
4 all about, about Doeun.

5 [09.44.15]

6 Q. So after your husband told me or told you to leave it there,
7 he might come; did you continue putting food out for Doeun?

8 A. Yes, I did.

9 Q. Why?

10 A. Because I did not know whether he would come or not. He was on
11 and off and I had to prepare food in case I could not prepare it
12 in time when he appeared.

13 Q. Did you keep preparing food for him into 1977?

14 A. After a while, then I stopped preparing such meal, but nobody
15 told me. I decided to stop it.

16 Q. Did you ever find out what happened to Doeun?

17 A. No, I didn't.

18 [09.45.57]

19 Q. The S-21 prisoner list at E3/347 shows - 342 sorry, shows
20 Doeun being arrested on the 16th of February 1977. Did you ever
21 get to know that Doeun had been arrested at any time?

22 A. No, I didn't.

23 Q. Out of the wives of Pol Pot, Nuon Chea, Ieng Sary and Son Sen,
24 which of those wives were you closest to?

25 A. I was closest to Nuon Chea's wife because we were working in

17

1 the kitchen together, at the time.

2 Q. After the exodus of the leaders in 1976 from K-3, how much did
3 you see of Nuon Chea's wife?

4 A. I met her occasionally.

5 Q. Where did you meet her?

6 A. Occasionally at K-1 and she would also come to K-3
7 occasionally too.

8 [09.48.03]

9 Q. After the exodus of the senior leaders, who did your children
10 spend time with apart from you and your husband?

11 A. No, none.

12 MR. RAYNOR:

13 Mr. President, I'm conscious of the time. I think I have had my
14 allotted time. Mr. President, can I please indicate this; there
15 is a legal application that I made yesterday that has not yet
16 been ruled upon. Is it convenient that I deal with this now or
17 after my learned friends from the civil parties have asked their
18 questions? Sorry, Mr. President, it's in relation to the
19 behaviour of Khieu Samphan's national counsel.

20 (Judges deliberate)

21 [09.49.40]

22 MR. PRESIDENT:

23 Thank you. For this application, the Chamber will rule - decide
24 on this application after hearing the - hearing other parties.
25 Now I hand over the floor to the Lead Co-Lawyers for the civil

1 parties.

2 MR. PICH ANG:

3 Good morning, Mr. President. Good morning, Your Honours. The
4 delegated lawyer was Mr. Hong Kimsuon; he will put the question
5 to the witness first and followed by Madam Simonneau-Fort.

6 MR. PRESIDENT:

7 You may proceed.

8 [09.50.27]

9 QUESTIONING BY MR. HONG KIMSUON:

10 Good morning, Mr. President. Good morning, Your Honours,
11 venerable monks and everyone in and around the courtroom. I am
12 Hong Kimsuon. I am the lawyer for the civil party.

13 Q. Good morning, Madam So Socheat. I have a few questions. I'm
14 seeking your enlightenment. Over the last two days, you have
15 testified in Court concerning your life and work together with
16 Mr. Khieu Samphan. I would like to begin my questions by going
17 back a little bit to the period after the coup d'état in 1970.
18 Back then you were living in Preah Vihear province; is that
19 correct?

20 MS. SO SOCHEAT:

21 A. That is correct.

22 [09.51.35]

23 Q. Thank you. You said that you were later became the village
24 medic and then you later joined the revolution by Aunt Yim
25 (phonetic). Could you please enlighten the Court in relation to

1 the meaning of participating in the revolution and what did
2 participation in revolution entail?

3 A. With permission from Mr. President, I would like to answer to
4 this question as follows. Following the coup d'état in 1970, it
5 could have been in mid-1970; there was an uncle (sic) by the name
6 of Yim (phonetic). He came to our village.

7 Q. I know this history, but I just would like you to emphasize on
8 the point on the joining of revolution and what it entailed.

9 Please enlighten the Court on this point only.

10 A. At that time, they indoctrinated us and there were many women
11 participating. They used the rationale that Prince Norodom
12 Sihanouk were ousted of power and they were infiltrating
13 imperialist forces as well as the Lon Nol forces taking power in
14 Cambodia.

15 [09.53.53]

16 And then after that, they educated us that we had to endeavour to
17 regain our independence and in order to regain independence, we
18 have to join revolution. And I did not understand what revolution
19 was all about at that time. We, according to them, joining
20 revolution meant that we had to be willing to sacrifice in order
21 to join resistant forces. For these reasons, we should be
22 self-conscious whether or not we were willing to take part in the
23 struggle.

24 Q. I am sorry, Madam, for interrupting you, but due to -- in the
25 interest of time, I had to move on. When you joined the

20

1 revolution, what was your role in that revolution? Were you, for
2 example, a unit chief, or a squad chief, or a team leader or so?

3 A. No, back then I was not appointed with any position. I was a
4 mere village medic.

5 [09.55.33]

6 Q. When, after you joined revolution – then you moved to Chinit,
7 and you cooked for the leaders. But did you still hold your
8 position as a medic at the time?

9 A. Back then, I was a medic. I actually was a cook, and I was a
10 medic too.

11 Q. Were you a medic for the leaders, or for general public?

12 A. Well, I was a medic for ordinary members in that place.

13 Q. You said you were a cook; did you prepare meals for leaders?

14 A. Yes, I helped prepare food for them. Actually, there were
15 other cooks. I only assisted them.

16 Q. In the area where you were living, near Steung Chinit, was
17 there any code number attached to this location?

18 A. At that time, it was called Steung Chinit Office. I did not
19 know whether there was a code number. I did not have any interest
20 in knowing that.

21 [09.57.29]

22 Q. Do you still recall who the leader was at that place?

23 A. Back then, Pol Pot, Nuon Chea, Khieu Samphan, and then later
24 Son Sen and his wife joined them too. That was it.

25 Q. Thank you. You got married to your husband, Mr. Khieu Samphan.

21

1 At that time of your marriage, did you know that he was Khieu
2 Samphan?

3 MR. PRESIDENT:

4 Witness, please hold on.

5 Mr. – Counsel, you may proceed.

6 MR. KONG SAM ONN:

7 I would like to object to this question, because it is
8 repetitive. The witness in question has already said that she did
9 not know who Khieu Samphan was. She only knew him as Hem.

10 [09.58.40]

11 MR. PRESIDENT:

12 Thank you. The objection by the National Defence Counsel for Mr.
13 Khieu Samphan is appropriate, because this question is
14 repetitive. The lawyer for the civil party must not have grasped
15 the discussion over the last few days, and witness need not
16 respond to this question.

17 BY MR. HONG KIMSUON:

18 Thank you, Mr. President. I would like to move on to the next
19 question.

20 Q. Before the liberation of Phnom Penh after the 17th April 1975,
21 you stated before this Court that you followed your husband to
22 Sdok Taol. And how long – how many months did you spend before
23 you returned to Phnom Penh?

24 MS. SO SOCHEAT:

25 A. In fact, I did not follow my husband to Sdok Taol. One week

22

1 after the liberation, I came to Phnom Penh and I met him at Sdok
2 Taol, and I met him overnight there.

3 Q. Thank you. From which direction did you enter Phnom Penh?

4 A. I didn't know the road that I travelled.

5 [10.00.15]

6 Q. Your journey from Sdok Taol to Phnom Penh – how did you
7 travel? And who actually led you into Phnom Penh?

8 A. The name was Saem (phonetic), and I was on a motorbike through
9 an unpaved road. Saem (phonetic) was the one who led me on a
10 motorbike.

11 Q. Along the road, did you see Phnom Penh resident who were
12 exiting Phnom Penh?

13 A. No.

14 Q. You have already stated and provided a lot of information
15 before this Court, and I would like to clarify on certain points.
16 While you were living in Phnom Penh – that is, after the
17 liberation of 17 April 1975 – until such time you lived with your
18 husband in K-1 or K-3, can you tell the Court that your relatives
19 who were detained in Siem Reap was by the name of Yip (phonetic)?

20 A. My cousin's name was Yip (phonetic).

21 [10.02.15]

22 Q. Yesterday, on the 11th of June 2013, you stated before this
23 Court that when your father or your mother was sent to Takhmau –
24 if I'm not mistaken you said that they were detained in Takhmau.
25 Is this correct?

1 A. You are mistaken. They were taken to Siem Reap. But after,
2 they released all those detainees, including Yip (phonetic) –
3 that is, my cousin – were sent to Takhmau.

4 Q. Thank you. You also stated before this Court that, when you
5 met your cousin in Takhmau, you actually went there secretly by
6 taking a ride with a car transporting goods. My question to you
7 is: Were there any checkpoints along the way? And were you
8 stopped and questioned?

9 A. No, there was none.

10 [10.03.36]

11 Q. Can you tell us -- during the period of Democratic Kampuchea
12 -- did you need travel authorization before you can make any
13 trip?

14 A. I didn't know whether there was such travel authorization.

15 Q. Did you ever hear that your husband was also referred to as
16 Khang?

17 A. No, I did not.

18 Q. I move on to another topic being your cooking in the kitchen.
19 You just stated before this Court regarding your cooking in the
20 kitchen for your husband. Were the cooks or people in the kitchen
21 the wives of the leaders? For example, the wife of Nuon Chea and
22 Son Sen – who worked and cooked with you in the kitchen?

23 A. No, that's not correct. There was Nuon Chea's wife, and his
24 nephew, and there were two or three other people working there.

25 [10.05.21]

1 Q. Thank you. Besides cooking, did you know whether your
2 husband's job was to do with the authority at the leadership
3 level?

4 A. No, I did not.

5 Q. When your husband went for any meeting with the leadership,
6 did he ever tell you?

7 A. He only told me, for instance, that he needed to go to K-1 for
8 - but he did not tell me whether he would go there for a meeting
9 or some other task.

10 Q. Did you ever hear your husband complain about the
11 disappearance of people or about the arrests within that unit?

12 A. No.

13 [10.06.43]

14 Q. During the Democratic Kampuchea period, in particular in
15 office K-1 or K-3, where you resided and worked - regarding the
16 maintaining of secrecy - which means mind your own business - so
17 you only focused on your work and the rest, they focused on their
18 work? Is this correct?

19 A. Yes, it is.

20 Q. Am I correct to say that the nature of your husband's work is
21 his secrecy that he has to maintain, and Pol Pot's work is his
22 own work, and that they did not reveal the nature of their work
23 to one another?

24 A. I only knew the principle, but I did not know the details.

25 Q. Thank you.

25

1 My last question to you: After the fall of the Democratic
2 Kampuchea regime – that is, after the 7th of January 1979 – had
3 you heard or knew about the tragedy that happened under the Khmer
4 Rouge regime – that is, the loss of millions of Cambodian lives?

5 A. While I lived in K-3, I never heard about that, or I was never
6 told about the deaths. But, later on, I knew about it.

7 [10.08.57]

8 Q. And upon hearing that, did you believe that a great tragedy
9 took place during the Democratic Kampuchea regime?

10 A. Yes, I do.

11 Q. Do you believe that, during the Democratic Kampuchea period,
12 the leadership level was aware of the great tragedy?

13 MR. PRESIDENT:

14 Witness, please wait.

15 Counsel, you may proceed.

16 MR. KONG SAM ONN:

17 Thank you, Mr. President. I am objecting to this question. It is
18 a question that elicits a personal conclusion from this witness,
19 and that is not within the capacity of this witness. This witness
20 was a cook at the time, so the questioning during her testimony
21 should be within that field. Thank you.

22 [10.10.10]

23 MR. HONG KIMSUON:

24 Mr. President, I do not have any further questions, and I'd like
25 to cede the floor to my international counterpart.

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 QUESTIONING BY MS. SIMONNEAU-FORT:

4 Good morning, Mr. President. Good morning Your Honours, and good
5 morning to all of the parties. Good morning, too, to you, madam.
6 I have a few questions to put to you, and I don't have much time.
7 So, I would ask you, please, to try and respond in as precise a
8 way as possible, and with concision.

9 [10.10.58]

10 And I am questioning you as the wife of Khieu Samphan, rather
11 than as a cook.

12 Q. Madam, you told us on the 10th of June that you had pursued
13 your studies to the fifth year. That was slightly after 11:40 and
14 25 seconds. So, can we take it that the educational level you
15 have is fairly good for that period in time, and for the fact
16 that it was in the countryside?

17 MS. SO SOCHEAT:

18 A. Yes.

19 Q. Thank you. On the first day, and on the second day, and just
20 now to my learned colleague, you said that you were engaged in
21 the revolutionary struggle, and you explained why it was
22 necessary to combat the imperialists. Is it accurate to say that,
23 in doing this, you were preoccupied by the politics of your
24 country and that, at that period in time, national politics
25 interested you?

27

1 A. Pardon me; I could not catch your question.

2 MR. PRESIDENT:

3 Lead Co-Lawyer; please repeat your last question as the witness
4 could not get your question.

5 [10.13.12]

6 BY MS. SIMONNEAU-FORT:

7 Of course, Mr. President.

8 Q. On several occasions, in the last two days, in this courtroom,
9 you have told us that you were committed to the revolutionary
10 struggle to combat the imperialists. I would like to ask you; is
11 it fair to say that the situation in Cambodia preoccupied you,
12 and that's why you signed up to the struggle?

13 MS. SO SOCHEAT:

14 A. Yes, that is correct.

15 Q. Thank you. On the 10th of June, at 3.20 and 23 seconds, you
16 explained the conditions in which you accommodated - you and your
17 husband were accommodated in K-3. You shed a few tears, and you
18 said that the house was not in a state worthy of human
19 habitation. And so my question is this: At that time, did you
20 hear anything about the living conditions and the accommodation
21 and food and labour conditions of people who had been deported
22 from Phnom Penh to the rural areas?

23 A. At that time, I did not know about that.

24 [10.15.28]

25 Q. And, madam, have you heard or read what was said from the 27th

28

1 of May to the 4th of June, this year, when civil parties came to
2 explain what life was like in the cooperatives to this Court?

3 A. No, I did not follow the proceedings.

4 Q. And was it of no interest to you to hear people explaining
5 what it was like?

6 A. Later on, I knew about the conditions.

7 MR. PRESIDENT:

8 Witness, please wait.

9 Counsel, you may proceed.

10 [10.16.50]

11 MR. KONG SAM ONN:

12 Actually, the witness already responded.

13 MR. PRESIDENT:

14 Lead Co-Lawyer, you may continue.

15 BY MS. SIMONNEAU-FORT:

16 Q. I don't believe that we had an answer there, but it doesn't
17 matter.

18 Madam, I'd like to talk to you about speeches made by your
19 husband. You said yesterday that you didn't listen to the 21st of
20 April 1975 speech. At the time, did you listen to other speeches
21 delivered by your husband? For example, the one he gave on the
22 anniversary of the liberation of Phnom Penh or on other
23 occasions?

24 MS. SO SOCHEAT:

25 A. I never listened to any speech, as I was busy with my own

1 work.

2 [10.18.20]

3 Q. And in those days, did you listen to the radio, madam?

4 A. At the place where I worked, there was no radio.

5 Q. Were there meetings during which you were all supposed to
6 listen to the radio together, to listen to certain speeches, or
7 were there sometimes public address systems which meant that
8 everybody could listen to the same thing at the same time?

9 A. At my place, there was no public announcement system.

10 Q. What about the meetings? Do I take it that you went to no
11 meeting whatsoever at which speeches were played?

12 A. My apology, I don't get your question.

13 Q. Madame, between 1975 and 1979, did you ever go to meetings, as
14 many others did who we have heard here, at which speeches by the
15 senior leaders - by your husband or other individuals - were
16 played to the attendees?

17 A. No, I never participated in such a meeting.

18 [10.20.57]

19 Q. Very well. In the days before you appeared here, there were
20 two witnesses who came to the Court who were children at that
21 time, who said they had lived in K-3. Did you, yourself, notice
22 that there was a group of children - some 10 or 12 of them - in
23 K-3 who perhaps you were cooking for as well?

24 A. No.

25 Q. Yesterday, madam, you were shown some photographs. Was that

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1 the first time you saw those photos of your husband at banquets?

2 A. Yes, that was the first time that I saw the photos.

3 Q. And by any chance did you see any other photographs at that
4 time of your husband?

5 A. No, I did not.

6 [10.22.43]

7 Q. Madam, yesterday you told Judge Lavergne, who was questioning
8 you, at 9.46 56 seconds, in the French version, and you said to
9 him that, at that time, his duties were not important. This was
10 not a senior leader. The question, let me say, concerned the
11 period before 1975. I would like to ask you: If before 1975, your
12 husband was not a senior leader; would you say that after 1975 he
13 was?

14 A. No, he was not.

15 Q. What was he, then, madam?

16 A. I did not know for sure of what he did. He worked at his
17 place, and occasionally he would go to K-1, and occasionally he
18 would go to meet with Samdech. That's what I saw.

19 Q. Thank you. I've almost finished.

20 Madam, do I understand correctly that, for the last two days,
21 what you are telling us is that, between 1975 and 1979, you knew
22 nothing about the regime, and you were merely working as a cook?

23 A. Yes, that is correct.

24 [10.25.26]

25 Q. And do I take it that over the last two days you have been

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1 telling us that neither during the regime nor after 1979 and the
2 following 30 years, nor now that your husband is sitting in this
3 room as an accused person – have you ever known what the duties
4 of your husband were? Is that what you're telling us?

5 A. Whatever you understand, that is your own understanding. I
6 appear here not in order to get to understand how somebody would
7 understand about certain events or certain understanding. So, if
8 it is your understanding, of course, that's your understanding.
9 It's not mine.

10 Q. I am not asking a question about how to see things, madam. I
11 am asking you if you knew absolutely nothing about the functions
12 and duties of your husband at that time, and that this is still
13 the case today. I'm asking you if you have said, over the last –
14 been telling us over the last two days that you knew absolutely
15 nothing about what the duties of your husband were.

16 A. I still don't get it, because I never thought that he was a
17 senior person.

18 [10.28.20]

19 MS. SIMONNEAU-FORT:

20 I think you understood my question extremely well, madam, but I'm
21 going to stop here. I would agree with the prosecutor, as he
22 stated yesterday – to say it politely; I think you're not telling
23 us the truth at all before this Chamber, and I regret this very
24 much.

25 Thank you, Mr. President.

1 MR. PRESIDENT:

2 Thank you.

3 And thank you, Madam So Socheat. The hearing of your testimony
4 has now concluded, and you may be excused from this courtroom,
5 and the Chamber is grateful that you spent your valuable time by
6 appearing before this Court for these few sessions with your
7 effort, and we hope that your testimony may contribute to
8 ascertaining the truth. And we wish you all the very best, and
9 have a safe trip.

10 [10.29.45]

11 Yes, you may proceed.

12 MR. VERCKEN:

13 Thank you, Mr. President. I wish to point out that it is
14 completely out of place. Yesterday, we were working on the basis
15 of a common law system, and putting questions to the witness and
16 asking her to respond. Today, we are making comments - making
17 propositions and asking the spouse to respond. Making
18 propositions and saying that this is one of the five most
19 important witnesses. And the Chamber has not stopped the
20 Prosecution from doing so. And this morning, the civil party Lead
21 Co-Lawyer has done the same, and we find this completely out of
22 place.

23 MR. PRESIDENT:

24 Thank you for your observation, Counsel. Yes, it is an
25 appropriate observation, and we actually reminded all the parties

1 already of the proceedings and the practice before this Court.
2 And everybody, including all the counsels and the prosecutors,
3 should be very familiar with the proceedings and practice. And
4 that should even not happen with the International Counsel or
5 Lead Co-Lawyer.

6 [10.31.30]

7 And, Madam So Socheat, I noticed that you wish to speak. What is
8 your intention?

9 MS. SO SOCHEAT:

10 Mr. President, I would like to thank all the Judges, the parties,
11 and the prosecutors, and today before I conclude my testimony, I
12 would like to state that, although Your Honours or the
13 prosecutors place accusations upon my husband, and that he
14 thought - should be prosecuted - but for me, as his wife, I fully
15 trust him as a good person. I have lived with him for over 30
16 years, and I have known him very well. I have known his character
17 very well. He is not an opportunist or someone who seeks fame or
18 power. And he is not a wicked or cruel person. Or to - went
19 around and made the arrests.

20 MR. PRESIDENT:

21 Prosecutor, you may proceed.

22 [10.33.39]

23 MR. RAYNOR:

24 Forgive me, Mr. President. This is evidence of character upon
25 which I cannot cross-examine at this stage. I respectfully

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1 submit, this is inappropriate and should not be allowed to
2 continue. Madam So Socheat is not a civil party giving some sort
3 of statement at the end of her evidence. This, in my submission,
4 is not in accordance with the rules, and should not be allowed to
5 continue.

6 MR. PRESIDENT:

7 The National Prosecutor, you may proceed.

8 MS. SONG CHORVOIN:

9 Thank you, Mr. President. I support the position by my
10 international counterpart. This witness is a character witness,
11 and the questioning session of her is now concluded, and she's
12 not entitled to make a statement.

13 [10.34.31]

14 And if she is allowed to make a statement - and with your
15 permission, we would like to cross-examine here once again.

16 MR. PRESIDENT:

17 Duty Counsel, you may proceed.

18 MR. MAM RITHEA:

19 My name is Mam Rithea, and good morning to Mr. President, Your
20 Honours, and everyone in and around the courtroom. The witness
21 would just like to recap what she has testified during the last
22 few days. And some parties have accused her of lying to this
23 Court, and she would just like to make the statement to that
24 effect. Although her statement is a little bit off, but her
25 intention is clear.

1 MR. PRESIDENT:

2 Thank you, and duty counsel, your right and your appearance
3 before this Court is limited to discussing to the witness, or
4 your client, in terms of self-incrimination. And in order to
5 facilitate the proceeding of the testimony of the witness. And
6 you are not here to defend the witness. Please make sure you know
7 of the role of this Court.

8 [10.36.14]

9 And you have been appearing before this Court on several
10 occasions, and you should have been very familiar with that. And
11 I always remind you that - please consult with your client in
12 your capacity as a duty counsel in terms of any questions that
13 may lead to self-incrimination, and that you may advise your
14 client of - whether to respond, or otherwise.

15 Due to the controversy that has been raised by various parties,
16 Witness, you are not allowed to make any further statement.

17 Regardless of that, we are thankful for your testimony, and when
18 it comes to evaluating the weight of the evidence, it is the
19 discretion of the Judges of the Bench in a professional capacity
20 - and of course we will consider all your testimony, in
21 conjunction with all other evidence that we have heard. And once
22 again, we thank you for your testimony and your effort during
23 these several sessions.

24 [10.37.33]

25 Court Officer, in collaboration with WESU, please arrange for

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1 Madam So Socheat to return to her residence.

2 And likewise, the duty counsel, you are now excused from the
3 Court, and you may leave.

4 MR. MAM RITHEA:

5 For the next witness, I am also a duty counsel.

6 MR. PRESIDENT:

7 You may leave the courtroom now, and of course when you are
8 required we will call you again, as we have other matters at hand
9 to discuss.

10 (Witness excused)

11 [10.38.30]

12 MR. PRESIDENT:

13 Now I hand over the floor to the prosecutor, to raise his
14 application he made earlier. We want to hear precise application
15 from the prosecutor in relation to the strategy mobilized by the
16 national defence counsel for Mr. Khieu Samphan in the course of
17 the examination of the witness over the last few days. If you
18 have any specific application, please make it as precise as
19 possible.

20 And the National Defence Counsel is advised to listen attentively
21 to the application made by the prosecutor.

22 [10.39.14]

23 MR. RAYNOR:

24 Thank you very much, Mr. President. My specific application is as
25 follows: My application is that the Court should sanction the

1 National Counsel of Khieu Samphan for his performance during the
2 testimony of So Socheat. That application is made under Rule 35
3 of the Internal Rules. It is my respectful submission that he has
4 knowingly and wilfully interfered with the administration of
5 justice, and that he has attempted to interfere with the evidence
6 of Madam So Socheat. My application, firstly, is that he should
7 be given a formal rebuke or other punishment, and that should be
8 placed on the Court record. And my second application is that his
9 behaviour should be reported to the Cambodian Bar Association by
10 this Trial Chamber. And my third application is that he should be
11 given a warning, formally, by this Court, in the simplest terms,
12 that any repetition will lead to his removal from this Trial
13 Chamber.

14 [10.41.02]

15 It is my respectful submission that the Court needs to send a
16 message that such behaviour will not be tolerated, and is not in
17 accordance with international norms. I make the application, also
18 supported by Rule 22 of the Internal Rules, which says that in
19 sub-paragraph 4:

20 "In the performance of their duties, lawyers shall be subject to
21 Cambodian law on the statues of the Bar and recognized standards
22 and ethics of the legal profession. They have an obligation to
23 promote justice and the fair and effective conduct of the
24 proceedings."

25 Can I deal specifically with the evidence from day 11th of June?

1 I'm referring to the draft transcript. I'm referring to the
2 evidence of So Socheat. And I'm referring to time marker
3 15.09.22. That was where National Counsel for Khieu Samphan said
4 that, and I quote:

5 [10.42.18]

6 "I'd like to object." And he was saying that there was a
7 misrepresentation of the words of the witness. He then said,
8 "This witness testified to the effect that this was the times
9 when their child was a month old. It was not the time period that
10 Mr. Khieu Samphan went to stay with his family." You'll then
11 recall, Mr. President and Your Honours, that my national counsel,
12 Song Chorvoin, then started reading from the Khmer transcript,
13 and she read this sentence:

14 "Later, he apparently returned from China. He stayed there to
15 assist my child for approximately a month."

16 In other words, my learned friend Song Chorvoin was confirming
17 that the Khmer transcript related to the length of time that
18 Khieu Samphan had stayed with her, and nothing whatsoever to do
19 with the age of the child.

20 [10.43.28]

21 I then come to the nub of this application - and can I preface
22 this by saying that it is a gross breach of ethics, on any
23 analysis, for a counsel during the testimony of a witness to
24 start suggesting what the witness really meant by a previous
25 answer. It is the function of a witness to give evidence in a

1 court. It is not the function of counsel to try and explain what
2 the witness means by their answers. And I quote from the
3 transcript at 15.14.38. This is National Counsel for Khieu
4 Samphan speaking, and I quote:

5 "So I think it was a difference in the reading of the language.
6 When Mr. Khieu Samphan came to assist her, she really meant that
7 at the time her child was nearly a month old."

8 The importance of this, Mr. President, is that he, through these
9 words, was sending a signal to the witness, feeding information
10 to the witness, signalling to her his view of what she really
11 meant. And that is not the function of counsel. And the proof of
12 that comes from the response from Ms. So Socheat at 15.18.13,
13 when she stated "my husband returned from China, and when he
14 arrived, my child was almost a month old." In other words,
15 adopting counsel's suggestion that the evidence went to the age
16 of the child, rather than the other aspect.

17 [10.45.36]

18 That is my application, Mr. President. Can I seek - can I assist
19 by clarifying for you, or any other of Judges of the Court, the
20 application I make? Is it clear to the Court? Is there anything
21 else upon which I can assist?

22 MR. PRESIDENT:

23 Thank you.

24 International Counsel for Khieu Samphan, Arthur Vercken, you may
25 proceed.

1 MR. VERCKEN:

2 Yes, thank you, Mr. President. I will speak briefly, first of
3 all, to denounce an attempt to intimidate, as I see it, our
4 defence. It is ridiculous on the part of the Prosecution. We have
5 the impression that we are no longer dealing with professional
6 prosecutors, but we are dealing with a jury that can try to
7 influence through such gesticulations.

8 [10.46.55]

9 I believe that, over the year and a half of the duration of this
10 trial, if we were to blame this or that person, or to say that
11 there have been objections from all sides - and your Chamber is
12 being overwhelmed by a plethora of decisions. I find this a
13 pathetic attempt at intimidation. My learned colleague, with
14 regard to the facts that have been denounced by the prosecutor -
15 and we will respond to that - my learned colleague wanted to
16 underscore in his objections the difficulties of interpretation
17 faced by the Chamber. Unfortunately, we face such difficulties,
18 and it is no one's fault. The difficulty has to do with
19 interpreting directly, or live, statements that are made. We have
20 transcripts. We have video recordings. And I think that this
21 Chamber has other things to do than to favourably consider the
22 application of the prosecutor. In that case, that application
23 should be in writing. We will review the videos, and we will
24 consider as responsible lawyers any objections that were aimed at
25 showing that there were problems of interpretations -- problems

1 of interpretation. I think that is all that has to be said at
2 this point in time.

3 [10.48.46]

4 MR. PRESIDENT:

5 Counsel Kong Sam Onn, you may proceed.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. I thank you, the prosecutor, for
8 presenting a position for the justice before this Court.
9 Concerning the specific instance you raised concerning my
10 objection to the question put by the prosecutor thus far, I would
11 like to respectfully submit to the Chamber that, in my capacity
12 as a defence counsel for my client, I am duty-bound to ensure
13 that the procedure is proper and appropriate, particularly in
14 relation to the lines of questioning by my learned colleagues.
15 For instance, in the testimony by Madam So Socheat, when there
16 was a problem concerning reading the transcripts of the
17 proceeding, it is - I am duty-bound to raise the opinion in
18 relation to the differences that may arise, or discrepancies in
19 the interpretation of the language, because the reading out of
20 the transcript was in Khmer.

21 [10.50.14]

22 And, as Cambodian, when we read Khmer, we see the discrepancy. As
23 Cambodians, when we read this, it is deviating from the real
24 meaning of it, even though it is rendered into French or English.
25 And I believe that the Cambodian speaker - the Khmer speakers

1 would understand this very well, other than our colleagues who do
2 not speak Khmer. And I am supposed to provide correction when
3 there is any problem in relation to the clarity of the language.
4 And civil party herself has already made the statement clear
5 already in relation to that point. There is no intention
6 whatsoever on my part to lead or to feed the witness with the
7 information.

8 And as for the application by the prosecutor to impose sanctions
9 on me, I would like to request to the prosecutor to make in
10 writing - and I believe that the Chamber is entitled to forward
11 this application to the Bar Association of Cambodia. I am also a
12 member of the Bar Association of the Kingdom of Cambodia, and if
13 you make it in writing, then the Bar Association of the Kingdom
14 of Cambodia will adjudicate on the case.

15 [10.51.52]

16 And I also have - I also reserve my right to also file an
17 application for the obstruction raised by the counsel in my
18 performance of my job as a defence counsel.

19 MR. PRESIDENT:

20 Thank you, Counsel. Is there any other issue? You may proceed,
21 Mr. Victor Koppe.

22 MR. KOPPE:

23 Thank you, Mr. President. Good morning, Your Honours. Although we
24 feel we are not directly party in this dispute between the
25 Prosecution and the Khieu Samphan team, we nevertheless feel it

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1 quite important to go on the record in our voice to support fully
2 the submissions made by the Khieu Samphan team on this matter. We
3 have been silent today and yesterday, but we have also observed
4 the - in our view - quite aggressive and intimidating way of
5 interviewing this particular witness.

6 [10.53.00]

7 And it seems now that the same intimidating way of questioning
8 the witness has now turned to the National Counsel for Khieu
9 Samphan. I find it quite unacceptable that this legal application
10 is being made. There's absolutely no source or grounds for it,
11 and again we fully support the Khieu Samphan on this matter.

12 Thank you very much, Mr. President.

13 MR. PRESIDENT:

14 Thank you.

15 The time is now appropriate for adjournment. The Chamber will
16 adjourn for 20 minutes, and we will resume by 15 past 11.00.

17 After the break, the Chamber will hear another witness, TCW-648.

18 The Court is now adjourned.

19 (Court recesses from 1054H to 1121H)

20 MR. PRESIDENT:

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

22 Court Officer, could you invite the witness, TCW-648, and the
23 duty counsel into the courtroom?

24 (A short pause)

25 (Witness TCW-648 enters the courtroom)

1 [11.23.40]

2 QUESTIONING BY THE PRESIDENT:

3 Q. Good morning, Witness. What is your name?

4 MR. SIM HAO:

5 A. Good morning, Mr. President. Your Honours. My name is Sim Hao.

6 I live in Trach village, Kampong Chen Cheun district and Kampong
7 Thom province.

8 Q. How old are you, and what is your current occupation?

9 A. I am 62 years old. I am chief of a village.

10 Q. What are your parents' names?

11 A. My father is Sim, and my mother is Prak.

12 Q. What is your wife's name and how many children do you have?

13 A. My wife's name is Yat and we have six children.

14 Q. Thank you, Mr. Sim Hao. As reported by the greffier yesterday,
15 to your best knowledge, you have no relationship by blood or by
16 law to any of the civil parties in this case, nor to any of the
17 two accused -- that is, Nuon Chea and Khieu Samphan, and that you
18 already took an oath yesterday.

19 Is this information correct?

20 A. Yes, it is correct. I do not have any relationship by blood to
21 any of -- Nuon Chea or Khieu Samphan.

22 [11.26.04]

23 Q. Thank you.

24 Mr. Sim Hao, as a witness appearing before this Chamber, you may
25 refuse to respond to any question or request for your comments

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1 that may incriminate you. This is your right against
2 self-incrimination. And for that reason, in collaboration with
3 WESU, the Trial Chamber has assigned you a duty counsel -- that
4 is, Mam Rithea, who is sitting to your left so that you can seek
5 consultation with him for any question that may seek your
6 response and that may lead to incrimination. And as a witness, it
7 is your duty to respond to all the questions put to you by any of
8 the parties or Judges of the Bench and you must tell the truth
9 that you have known, have heard or observed or experienced
10 directly regarding the events put to you via questions.

11 Do you understand of your right and obligation as a witness
12 before this Chamber?

13 A. Your Honour, I am summoned by this Chamber as a witness and I
14 would only tell the truth and I have known or have heard or
15 experienced personally.

16 [11.28.12]

17 Q. Thank you.

18 Mr. Sim Hao, have you been interviewed by investigators of the
19 Office of the Co-Investigating Judges during the last few years?

20 A. The investigating team interviewed me on one or two occasions.

21 Q. Can you recall when and where?

22 A. I cannot recall the exact date, but the interview took place
23 in my house. And my apology, as I cannot recall the year.

24 Q. Was it two or three years ago?

25 A. I cannot recall the year.

1 [11.29.40]

2 THE INTERPRETER:

3 The President's microphone is not on.

4 BY MR. PRESIDENT:

5 Thank you for reminding me.

6 Q. Before your appearance before this Court, have you read and
7 reviewed the written record of your interview with the Office of
8 the Co-Investigating Judges that you said it took place on one or
9 two occasions at your house but that you don't recall the year?
10 And if so, is that written record of your interview consistent
11 with what you said at the time?

12 MR. SIM HAO:

13 A. I read the interview, but I cannot recall every detail in that
14 written record of interview.

15 Q. Based on your review before your appearance before this Court
16 and comparing to what you said to the investigators at the time,
17 is that written record consistent with what you said?

18 A. It is up to Your Honour to question me, and I will respond
19 truthfully.

20 [11.31.25]

21 MR. PRESIDENT:

22 Thank you.

23 The floor is now given to Khieu Samphan's defence to put the
24 questions to this witness before other parties in this case. And
25 Khieu Samphan's defence, together with Nuon Chea's defence, has

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1 half a day to put the questions to this witness.

2 (Short pause)

3 [11.32.16]

4 MR. PRESIDENT:

5 Correction. It was not proposed by the defence team for Mr. Khieu
6 Samphan. Instead, it was proposed by the prosecutor. For this
7 reason, I hand over the floor to the Co-Prosecutor and Lead
8 Co-Lawyer for the civil party to put the question to the witness
9 before any other parties.

10 Mr. Prosecutor, you may proceed.

11 [11.32.48]

12 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President. Good morning, Your Honours. Good
14 morning, all the parties.

15 Q. And good morning, Mr. Sim Hao. I am Vincent de Wilde, and I
16 represent the Office of the Prosecutors. I will be putting
17 questions to you this morning and this afternoon.

18 Let me start with a question for purposes of clarification. You
19 stated that you were interviewed by OCIJ investigators. Were you
20 also interviewed earlier, in early 2000, by officials of the
21 Cambodian Documentation Centre, DC-Cam?

22 MR. SIM HAO:

23 A. Yes. They conducted interview with me once.

24 [11.33.50]

25 Q. Very well. Thank you for this clarification.

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1 Let us now talk about your itinerary, what happened before and
2 after the 17th of April 1975. I would propose to start with the
3 document IS19.107. This is a revolutionary biography of the name
4 of the person called Sim Hao alias That, born in Tuol Trak
5 village, Kampong Chen commune, Stoung district, Kampong Thom
6 province.

7 With the President's leave, I would like to show this
8 revolutionary biography to the witness and have it placed on the
9 screen as well.

10 MR. PRESIDENT:

11 You may proceed.

12 Court Officer, please obtain the document from the prosecutor and
13 hand it over to the witness for his examination.

14 [11.35.15]

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. Mr. Witness, may I ask you to turn to page 3 of this document,
17 which consists of a number of personal particulars, including the
18 name?

19 That is the previous page, Counsel. That's it.

20 This page contains personal particulars such as the name, date of
21 birth, place of birth of the person who wrote this biography.

22 Mr. Witness, can you please tell us whether that is one of the
23 biographies you wrote during the Khmer Rouge regime?

24 MR. SIM HAO:

25 A. Yes, it was. This was my biography written back then.

1 Q. Do you recall who asked you to write that biography at the
2 time?

3 A. I am afraid I do not recollect.

4 [11.36.59]

5 Q. Very well. Please turn to the previous page. There is a table
6 on it, and it is page 2. That is immediately after the cover
7 page. There is a second page with a number of dates. The title is
8 "Place of Work" and then that is followed by a number of dates.
9 For the transcript, this document was translated into French, but
10 it contains some translation errors. And I will correct them as
11 we go along.

12 Mr. Witness, may I ask you to look at the dates on page 2 of this
13 biography, beginning with the three dates prior to the period of
14 the 17th of April 1975? The first date is the 15th of June 1972.
15 Against it, you see army attachment, Battalion 306.

16 Can you confirm to us that you joined the - this Battalion 306 on
17 the 15th of June 1972?

18 A. Well, to respond to this question, I do not recall the date,
19 but I joined - I did join the Battalion 306.

20 [11.38.55]

21 Q. Witness, since this is your biography written at the time of
22 Democratic Kampuchea, do the dates that you've indicated in this
23 biography normally correspond to the reality? Are they real
24 dates?

25 A. Yes, they are. I am trying to be brief. Of course, they are.

1 Q. Thank you. Please tell us why you joined the Revolution,
2 particularly Battalion 306, in 1972.

3 A. At that time, people joined armies at that time, and I was not
4 the – I was not alone. Many people joined the Khmer Rouge in
5 order to fight against Vietnamese "Yuon".

6 Q. Very well. Let us look at the next date on this biography
7 which you wrote at the time. And that date is the 3rd of February
8 1964. It talks of Battalion 709.

9 Were you a member of that battalion, Battalion 709?

10 A. Well, subsequently, I joined Battalion 709. That is correct.
11 It was located somewhere in Siem Reap province.

12 Q. And the next date, and it is difficult to read it, it is March
13 1975, Battalion 774.

14 Do you recall joining that battalion, or did the name change, and
15 what were your duties at the time?

16 A. In Battalion 709, I do not recall the date and position I
17 held.

18 [11.42.05]

19 Q. Prior to April 1975, were you ever promoted in the army and,
20 specifically, in this battalion in which you had worked? Thank
21 you.

22 A. I have forgotten it. When I joined army, I did not hold any
23 position. I was a rank and file soldier, was an ordinary
24 combatant.

25 Q. For purposes of clarification, let me specify what you told

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1 the Co-Investigating Judges in your statement, and it is E3/363.

2 And it is a statement of the 29th of October 2008.

3 Perhaps the witness should be shown a copy of this statement in

4 Khmer so that he can cross-check what I will read out, Mr.

5 President.

6 MR. PRESIDENT:

7 You may proceed.

8 Court Officer, please get the document from the prosecutor and

9 hand it over to the witness.

10 [11.43.56]

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. May I, therefore, request you, Witness, to look at the Khmer
13 page?

14 Perhaps counsel could assist the witness. The number is 00236031

15 -- 00236031. In French, it is on page 2; and in English, it is

16 also on page 2.

17 And this is what you said at the time, and I quote:

18 "In February 1975, I was promoted deputy head of Group 1." End of
19 quote.

20 You recall having been promoted to the post of deputy head in

21 February 1975 -- that is, two months before you entered Phnom

22 Penh?

23 And that is the answer you gave to the very first question that

24 was put to you, "In February 1975, I was promoted to the post of

25 deputy head of Group 1." That is what you said.

1 Is that correct, Mr. Witness?

2 MR. SIM HAO:

3 A. Thank you. Thank you for clarifying this. Of course, at that
4 time, I was promoted to a deputy head. That is correct.

5 [11.45.52]

6 Q. Still with regard to the period prior to April 1975 -- that
7 is, from the time when you joined Battalion 306 and subsequently,
8 Battalion 709, do you recall in what army you were? Was that the
9 army of a particular zone? And if so, which zone?

10 A. Back then, I - our battalion was subordinate to the zone.

11 Then, when we left Kampong Thom for Phnom Penh, it was in late
12 1975 and I was wounded. I could not do anything. I was
13 hospitalized the whole period.

14 Q. Thank you. Which zone is that? Do you know the number of the
15 division you belonged to at the time and who the head of that
16 division was?

17 A. At the - at that time, it was subordinate to North Zone. The
18 commander of the division was Ta Pauk. I never met him in person.
19 I only heard his name.

20 [11.47.38]

21 Q. Who was the head of your battalion? We know that the name
22 changed. Who was the head of that battalion prior to April 1975,
23 during those years prior to April 1975?

24 A. The commander of our battalion was Ta Beng. He was the
25 commander of Battalion 709.

1 Q. Thank you. Can you please also give us the name of the chief
2 of the North Zone and the deputy chief of the North Zone?

3 A. North Zone chief, I actually never met him in person. His name
4 was Thuch, and his deputy was Ta Pauk. And he was the commander
5 of the division.

6 Q. Can you also tell us what the discipline in the division was
7 at the time? What was it like, working in that division? Were you
8 entitled to question any of the decisions or the policies that
9 were supposed to be enforced in that division at the time?

10 A. In that era, to be honest with you, we were not allowed to
11 challenge the decision of the commander. In other words, we were
12 not entitled to question their decision.

13 [11.49..55]

14 MR. PRESIDENT:

15 Mr. Hao, please keep the documents before you. Try to listen to
16 the question as being put to you and try to respond to it based
17 on your recollection. You only - you should only refer to it when
18 you need to refer to any specific portion.

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. Could you please tell us what would happen to any soldier who
21 did not abide by the discipline of the division or the policies
22 of the Party? What would have happened to him or her if they did
23 not comply with the disciplinary measures in that division?

24 MR. SIM HAO:

25 A. At that time, through my observation of the practice over

1 there, particularly through the customary practice of my
2 commander of the battalion, nobody dare challenge the authority.
3 The commander of the battalion was a very firm person and he was
4 very strict. Whatever he ordered, everyone had to comply.

5 [11.51.35]

6 Q. As member of a battalion in the North Zone army, did you take
7 part in fighting between that army and Lon Nol's army, be it in
8 Kampong Thom or in Siem Reap?

9 A. The fighting took place somewhere in Siem Reap province, and
10 then later, before the liberation on the 17 of April, we
11 encounter another battle in Kampong Thom. Fighting erupted over
12 there, but I do not recall the exact location.

13 And then, from that time onward, I was wounded. I could not do
14 anything. I was sent to a place where handicapped people or the
15 wounded were placed.

16 Q. Thank you for this clarification. Please also clarify this
17 point.

18 Were you wounded before the fall of Phnom Penh, or thereafter?

19 A. Before. Before we entered Phnom Penh. I was wounded in Srayov
20 in Kampong Thom province. It was some time in February 1975.

21 [11.53.18]

22 Q. Thank you. In your battalion and in the north division, did
23 you win any military victories during the period from 1973 and
24 1974? Were you able to liberate certain zones, certain villages?

25 A. From 1973 all the way to 1975, the status of our battalion was

1 varied according to the circumstance at the times. We move from
2 here – from one place to another and we clashed with Lon Nol
3 troops in Siem Reap.

4 I do not recall the village where the battle took place, but I
5 can still remember that there were many casualties. And the
6 fierce fighting erupted at the time I still recall, and so many
7 casualties were the result of that fighting.

8 Q. Thank you, Witness. But my question was whether, during that
9 period, you were able to liberate certain villages, certain towns
10 and certain zones during that period.

11 A. At that time, we actually besieged the Siem Reap province, but
12 as far as the liberation, at that time we did not liberate the
13 province because there was fighting back and forth and we could
14 only put Siem Reap under our besiege at that time.

15 [11.55.50]

16 Q. Thank you. I will make do with the answers to that question.
17 Can you tell us when you were informed of the plan to attack
18 Phnom Penh, the plan to liberate Phnom Penh?

19 A. In the plan to liberate Phnom Penh, I only learned that we
20 must endeavour to liberate Phnom Penh by 1975, but I did not know
21 the detail of plan because we were still fighting at the rear at
22 that time.

23 [11.56.45]

24 Q. Very well. Before talking about the period following the 17th
25 of April 1975, I have a question – some questions about a

1 biography before you. And it is IS19.177. I would like to read
2 out some passages to you and put questions to you on it.

3 The first passage is in Khmer, and the ERN is 00053659 --
4 000553659. And it is on page 5 in French, and it's question 13.
5 And the heading is "Personal particulars". Let me read out this
6 question to you:

7 "Did you ever participate in work assessment meetings, and where
8 did you do such work?

9 In the worker's office, peasants, intellectuals and capitalists
10 and the petit bourgeoisie and monks, what did you think of this
11 particular social milieu?"

12 That was the question, and this is what you said in writing:

13 "I worked in meetings in that assessing work with soldiers in the
14 army. I work with workers in the commerce sector in the party
15 because that particular milieu was the very basis of the party.
16 So we had soldiers on the one hand and workers on the other
17 hand."

18 [11.58.38]

19 What was the status of peasants under the regime of Democratic
20 Kampuchea?

21 A. During the period of the Democratic Kampuchea, as I wrote in
22 my record, we worked with only workers. I did not work with the
23 peasant. I never joined with peasant because they were at the
24 rear. But I used to work with workers.

25 First, following the liberation, they sent to Kampong Som. We

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1 stayed there for – stayed there for about a year before I was
2 sent back to Phnom Penh. Then I was stationed at Chrang Chamres.
3 Then they continued to send me to Ministry of Commerce. We work
4 as worker over there. I was a labourer somewhere near Tuol
5 Tumpung. And my main task was to prepare a kapok.

6 [12.00.12]

7 Q. We'll come back to this after lunch. Perhaps one last
8 question, Mr. President, before we break. It's still on this
9 question 13 in the biography.

10 In the way the question is asked, there is a reference to
11 intellectuals, capitalists, petit bourgeois and monks. Can you
12 tell us about what the leader of your battalion or the Party
13 leaders thought about intellectuals, capitalists, petit bourgeois
14 and monks?

15 MR. PRESIDENT:

16 Witness, please hold on. I note the national defence counsel on –
17 is on his feet. You may proceed.

18 MR. KONG SAM ONN:

19 Thank you, Mr. President. I would like to object to this question
20 because this witness cannot know what the leaders of that
21 generation was doing because this person was not in the position
22 of knowing that or he was not the superior of his commander. I
23 don't think that the witness should be able to provide any
24 opinion in relation to what other people thought at the time.

25 [12.01.50]

1 BY MR. DE WILDE D'ESTMAEL:

2 I don't think the objection has any substance, but let's reword
3 this.

4 Q. My question is to know whether your immediate superiors told
5 you what the position was of the revolutionary or the
6 revolutionary party vis-à-vis the intellectuals, capitalists,
7 petit bourgeois and monks.

8 In other words, you said that the military were the very salt of
9 the Party, but did the intellectuals, petit bourgeois, monks and
10 so forth also have a role within the society of the Khmer Rouge?

11 MR. SIM HAO:

12 A. I will try to answer this question based on my knowledge.

13 At the time for petit bourgeoisie and capitalists, bourgeoisie
14 were intellectuals or teachers as well as Buddhist monks. And in
15 reality back then, there was a teacher who held the position of
16 unit. He was working with us.

17 Once he was summoned for an education or re-education, and then
18 he disappeared. He never returned. Since then, we dare not talk
19 about anything. We had to comply strictly to the Party's
20 discipline.

21 [12.04.00]

22 MR. PRESIDENT:

23 Thank you, Prosecutor, and thank you, Mr. Sim Hao. The time is
24 now appropriate for lunch adjournment.

25 Mr. Sim Hao, for your information, your testimony has not come to

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1 an end yet, as you will have to appear again this afternoon.

2 However, the Chamber adjourns now and resume at 1.30 this
3 afternoon.

4 Court Officer, please assist the witness during the break and
5 have him returned to this courtroom before 1.30 this afternoon.

6 And duty counsel is also invited to accompany the witness and be
7 here before 1.30.

8 And security guards are instructed to bring Mr. Khieu Samphan to
9 the holding cell downstairs and have him returned to this
10 courtroom before 1.30 this afternoon.

11 The Court is now adjourned.

12 (Court recesses from 1205H to 1332H)

13 MR. PRESIDENT:

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

15 Once again, the floor is given to the Prosecution to continue
16 putting questions to this witness. You may proceed.

17 BY MR. DE WILDE D'ESTMAEL:

18 Thank you and good afternoon, Mr. President.

19 For your information, I will continue my questions up to the
20 coffee break this afternoon. I hope to be able to finish by then
21 though I may need an extra 10 minutes. On the civil party side,
22 they will, I believe, need 30 to 40 minutes.

23 Q. Mr. Witness, I'd like to ask you a few questions about the
24 17th of April 1975 and the occurrences on that day.

25 [13.33.54]

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1 To the Investigating Judges you said that you came into Phnom
2 Penh about three days after Phnom Penh had fallen; is that
3 correct?

4 MR. SIM HAO:

5 A. Thank you. Three days after Phnom Penh fell, I did arrive.

6 Q. At which point did you go back to your battalion in Phnom
7 Penh?

8 A. We were gathered near a vicinity near Kilometre Number 6 --
9 that is, Chrang Chamres area, in order to congratulate the
10 victory.

11 Q. At that point in time, were you with Suon Rey? I think that is
12 an acquaintance that you had at the time; were you with him?

13 A. My apology. I do not get the question fully. Please rephrase
14 your question.

15 [13.35.52]

16 Q. When the victory of the fall of Phnom Penh was being
17 celebrated around Kilometre 6, in the ranks of your battalion,
18 was there also somebody called Suon Rey - S-u-o-n, second word
19 R-i or perhaps R-y?

20 A. Is it Suon Rey or Suon Ri; I'm not really clear on the name?

21 Q. Well, Mr. Witness, I'm doing my best to pronounce this, but I
22 think it's probably Suon Rey; second name R-e-y alias Khat Khan.

23 A. Thank you for your clarification. Yes, that is correct. We
24 were together.

25 Q. So from your standpoint on Kilometre 6, did you see the

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1 population coming out of Phnom Penh and going past where you were
2 at Kilometre 6?

3 A. After the liberation in 1975, people who were living in Phnom
4 Penh were being evacuated through various national roads; Number
5 5 and Number 6, for example.

6 Q. But did you see the evacuees walking past on the roadway where
7 you were standing in Kilometre 6?

8 A. Yes, I saw people. I saw people walking on the road.

9 [13.38.35]

10 Q. Did some of the soldiers from your battalion ask questions to
11 the people going by on the road so as to try and sift out the Lon
12 Nol soldiers from the ordinary citizens?

13 A. No, I did not know about that. I only saw people leaving the
14 city, but I did not see what you just raised.

15 Q. Let's just make one attempt at this and read a part of what
16 Suon Rey said to DC-Cam in the 2nd of February 2003 in IS19.192 -
17 IS19.192, and the extract that I want to read in Khmer is on
18 00055292 - 0055292 (sic) to 293. In English, it's on pages 18 and
19 19 and in French, 14 to 15 of the document.

20 The witness won't have seen the document, so I won't put it on
21 the screen, but I'd just like to hear his reaction to what Suon
22 Rey said. And what emerges from the document is the following
23 question:

24 "Were the Lon Nol soldiers in camouflage?"

25 [13.40.41]

1 Answer: "Yes, they were camouflaged in the sense that they were
2 not wearing their military uniforms; they were dressed as
3 civilians. And then later on, they could merge in with the
4 inhabitants."

5 Question: "Could they be identified?"

6 Answer: "No, they could not, but among them when some of them
7 were interrogated; they did turn out to be soldiers."

8 "Did you suspect some of these people?" (Question)

9 "Yes, we did and we interrogated the commanders."

10 Question: "When they were met, these commanders or the former
11 soldiers, what did the Khmer Rouge soldiers do?"

12 (Answer by Suon Rey): "They arrested them and withdrew them from
13 the others. When they were Lon Nol soldiers, they withdrew them
14 systematically. They didn't deport them with the other
15 inhabitants."

16 [13.41.51]

17 Then jumping a passage:

18 "They gathered them together and put them in the same place and
19 held them there while they waited. I saw that with my own eyes."

20 That's the end of that particular passage. So Mr. Witness, you
21 went back to your battalion after the others. Can you confirm,
22 yourself, that you did not see that kind of sorting between
23 ordinary members of the population and Lon Nol soldiers being
24 performed by some members of your battalion?

25 A. I only saw people being evacuated out of the city, but I did

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1 not know anything from the extract of Suon Rey's statement that
2 you just read because after the liberation, we actually were the
3 last one to arrive.

4 [13.43.20]

5 Q. Okay, thank you.

6 Let's go on to a new phase when you were working in a commercial
7 job. I'm referring to your biography, 19.1177. On page 2, there
8 is that table that has dates and here it says:

9 "15th of May 1975: Worker in Kampong Som, Commerce."

10 The French version says the 15th of March 1975, but that is an
11 error. It should be the 15th of May as it says in Khmer and the
12 word "Kampong Som" in French doesn't appear either.

13 Mr. Witness, you've already told us that you were working in
14 Kampong Som and what this says in the biography that you left on
15 the 15th of May 1975, please tell us if that is accurate?

16 [13.44.48]

17 A. My response in that document was incomplete and allow me to
18 add further to that. I went to Kampong Som for one year from '75
19 to '76 and after that I was transferred.

20 Q. And then after you were transferred to Kampong Som, were you
21 there as a soldier or as a civilian working in the commerce
22 service?

23 A. I worked in Kampong Som as a labourer; I carried goods. At
24 that time, I was at Khleang Leu and then I was - and I was sent
25 by truck to the seaport. Actually, it's kind of a - a rotation.

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1 For example, I started at 7 a.m. and at 11, I was rotated to
2 another location and further down in the late afternoon, I would
3 be rotated to another location.

4 Q. On the second page, in Khmer, of document E3/363, page 2 in
5 French, as well, and page 3 in the English, you told the
6 Investigating Judges:

7 "At the beginning, our job was to unload paddy from Chinese
8 boats. I should point out that these boats had 90 automobiles on
9 the upper level and inside them, there was paddy and other kinds
10 of equipment such as pickaxes and spades and insecticides."

11 [13.47.08]

12 Now, if I understand what you told the Investigating Judges,
13 shortly after the evacuation of Phnom Penh and other cities, rice
14 paddy was regularly unloaded from Chinese boats; now, is that
15 correct?

16 A. It's - it's not the unhusked rice; it was husked rice. And
17 yes, there were also all kinds of equipment; hoes and axes, as
18 you stated. And yes, and on the top floor, there were vehicles;
19 90 vehicles, in fact, because that ship was huge. The - the
20 length of the ship was about 130 metres. And then they would
21 unload the rice and then we would carry the rice into the
22 warehouse.

23 Q. When you were with your former battalion, were there any
24 arrests in the area when you were working in the Kampong Som
25 port?

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1 A. When I worked at the Kampong Som port, at that time, I did not
2 know yet about any arrest as we were working normally and we were
3 carrying goods and equipment and we rotated ourself as I stated
4 earlier.

5 [13.49.13]

6 Q. Was Ta Beng still your boss then or did you have a new boss
7 between '75 and '76 when you were down in Kampong Som?

8 A. Yes, there was a replacement for Ta Beng. When I was sent to
9 Kampong Som, he was promoted to - to go elsewhere and I did not
10 know about where he went.

11 Q. Let's come back to the period of time you spent in Phnom Penh.
12 According to - to your biography, you came back on the 28th of
13 May 1976. Is it correct to say that you worked in several
14 different places in Phnom Penh?

15 First, you've already told us about Kilometre 6 and Chrang
16 Chamres and Tuol Tumpung, but did you also work in Takhmau at one
17 point?

18 A. The thing is that after I returned from Kampong Som to Phnom
19 Penh, I was initially working in the Chrang Chamres area -- that
20 is, near Kilometre Number 6. I carried rice and cement unloading
21 them from the train on to trucks. And later on, I was transferred
22 to work in Takhmau for a while and later on, I was transferred to
23 work near Tuol Tumpung area near the Tuol Tumpung Pagoda itself.

24 [13.51.31]

25 Q. In your biography, it says that after Takhmau you came back to

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1 Kilometre 6 the 17th of March 1977, Kilometre 6, and after that a
2 worker at K-51. Did you work at Kilometre 6 and at Chrang Chamres
3 both before and after Takhmau?

4 A. I worked at Chrang Chamres first, then, I was transferred to
5 work in Takhmau.

6 Q. Thank you. You talked about the fact that you had to transport
7 rice and cement to Chrang Chamres. Now, who was it destined for;
8 this rice that you loaded on to trains? Was it to be consumed in
9 Cambodia or was it due for export?

10 A. I did not know where cement was taken from, but in fact, I
11 unloaded the cement from the train into the warehouse. As for the
12 rice, the rice was taken from the big rice mill and then I
13 carried and loaded them on to a truck and I believed it meant for
14 export because the rice was screened properly and it was only in
15 the good quality one that I loaded them on to the trucks.

16 {13.53.43}

17 Q. And when you were at Chrang Chamres, were you a coolie
18 labourer, as before, or were you in a higher position leading
19 other people? What were your duties then?

20 A. I was still a labourer carrying goods and rice.

21 Q. Let me read another extract from the record of the interview;
22 it's document E3/363 on pages 3 and 4 in Khmer; page - pages -
23 page 4 in French and pages 3 and 4 in the English. It refers to
24 arrests. The first is:

25 "When you stayed at Chrang Chamres, were there any arrests?"

1 And your answer was:

2 "Yes, they told the leaders, chief and deputy-chief of the
3 battalion and chief and deputy-chief of the company, to go to
4 study. After that they also called the platoon chief to go to
5 study and among those people; no one ever returned, all
6 disappeared forever. Later, when there was only the group cheap -
7 chief and ordinary workers left, they called them to a meeting at
8 a place near Wat Phnom."

9 [13.55.39]

10 And then moving on in the text:

11 "After the new unit and new group chiefs had been organized, my
12 group went to stay in the area Phsar Chas, but we still went to
13 work at Kilometre 6." (End of quote)

14 So those arrests of local leaders at Chrang Chamres, some of your
15 superiors, did those take place before the meeting at which the
16 betrayal by Thuch was announced at Wat Phnom?

17 A. That is correct. Regarding the heads of the platoons and
18 companies, they were invited to study sessions, but they were
19 gone forever and only the labourers remained. Then we were put
20 into transfer meeting in Wat Phnom and then the - the structure -
21 the new structures was reorganized for these remaining labourers
22 or workers.

23 Q. Thank you. Were you told why the battalion chiefs and deputy
24 chiefs and the company chiefs and deputy chiefs had disappeared
25 or had been arrested?

1 [13.57.42]

2 A. In the meeting for the preparation of the new groups, in order
3 to supervise the workers, we were told that Koy Thuon alias Touch
4 was a traitor at the Ministry of Commerce, but they did not make
5 the announcement of the arrest of the lower levels under him, but
6 they were part of the traitorous network and for that reason,
7 they had been arrested.

8 Q. Did the meeting that you are referring to only concern people
9 who were working for the Ministry of Commerce? And who chaired
10 the meeting and who told you, at that point, about Koy Thuon?

11 A. At that time, there was a person by the name of Rith. He was
12 transferred from the Southwest and he was in charge of the
13 domestic commerce. He organized the meeting for the restructuring
14 of the groups for the - the workers and the meeting was held near
15 Wat Phnom or Phsar Chas, but in fact, we were near Kilometre
16 Number 6.

17 [13.59.25]

18 Q. At the meeting where they announced that Koy Thuon was a
19 traitor, did they mention other people, as well, who had
20 positions in the North Zone or in your original division?

21 A. No, they did not say anything about it. Apparently, they
22 discussed a man by the name of Oeun; he was also one of the
23 commander in North Zone and he was actually a military figure.
24 And as for other, I did not know. Normally, they address those
25 commanders as Brother Number One, Number Two, but I did not know

1 who they refer to as Brother One and Two.

2 Q. In order for us to be very clear regarding your statement to
3 the OIC (sic) investigators, let me quote what you said. In
4 Khmer, it is 00236033. That is in record E3/ - so 00236033. In
5 French, it is page 4 and in English, it's page 4.

6 You're talking about Ta Rith and you said:

7 "During the meeting, it was said that Koy Thuon alias Thuch,
8 alias Khuon, Secretary of the North Zone and Minister of Overseas
9 Commerce was a CIA agent; that he had plotted to launch a coup
10 d'état to overthrow Brother Number One and Brother Number Two. A
11 senior military commander named Oeun was a person heading the
12 army. They were all successively arrested."

13 [14.01.58]

14 They're talking of Brother Number One and Brother Number Two. Do
15 you confirm what you said that Rith had said that Koy Thuon had
16 prepared or hatched a plot against Brother Number One and Brother
17 Number Two?

18 A. Yes, that - that is correct. What you have read out is
19 correct.

20 Q. Thank you. Tell me something. When Rith talked about the
21 betrayal of Koy Thuon, did he say that Koy Thuon had made any
22 confessions regarding the plot, the coup d'état?

23 A. Thank you. But on this point, I cannot comment on it because I
24 cannot recollect the detail. I could only respond to any specific
25 point.

1 Q. Very well. No problem.

2 [14.03.26]

3 At the time, when Ta Rith said that Koy Thuon alias Touch was
4 related to the CIA, did you know what that meant? Saying that
5 someone was related to the CIA; do you know what that meant at
6 the time?

7 MR. PRESIDENT:

8 I - Witness, please hold on.

9 Counsel Victor Koppe, you may proceed.

10 MR. KOPPE:

11 Thank you, Mr. President.

12 I object to the question. I think we are moving out of the scope
13 of this trial, especially with this last question. I object.

14 MR. DE WILDE D'ESTMAEL:

15 Mr. President, I think this objection is not well-founded. We are
16 talking of the Ministry of Commerce and we know how the minister
17 of commerce were related - was related to the Accused. Secondly,
18 we are talking about the enemies and thirdly, we should bear in
19 mind that Ruos Suy, who was a defence witness, spoke about this
20 at length.

21 For all these reasons, I therefore think this objection is not
22 well-founded and it should therefore be dismissed.

23 (Judges deliberate)

24 [14.05.44]

25 MR. PRESIDENT:

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1 The objection and ground for objection by the defence team for
2 Mr. Nuon Chea is not appropriate, so witness is directed to
3 respond to the question put by the prosecutor. If you still
4 remember the question, you should proceed, Witness.

5 MR. SIM HAO:

6 For this question, I actually did not know it very well, but
7 there was a mention by Rith that Koy Thuon was part of the CIA
8 network under the American forces, but I did not understand it
9 very well because I was an ordinary soldier.

10 [14.06.49]

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. Thank you. What subsequently happened in the unit in which you
13 worked following the announcement that Koy Thuon was a traitor?
14 Was - did a climate of fear set in -- that is, in the unit in
15 which you worked?

16 A. I am trying to make it as clear as possible. There was a
17 climate of fear, indeed, at that era because back then, we - we
18 could not escape or - or flee, so we had to stay on. I, at that
19 time, thought if we wanted to escape from our place, I could not
20 think of going anywhere. If I ever crossed the border, I would
21 run the risk of ending up being killed and if I move out of my
22 place to another location, I would be identified as a newcomer,
23 then I would run the risk of being capture and killed.

24 [14.08.34]

25 Q. Thank you, Witness.

1 Let us now talk about the last period when you worked at the
2 Ministry of Commerce. I believe that was up to the end of the
3 regime and that is at Tuol Tumpung. Can you tell us the position
4 you held? When you arrived at Tuol Tumpung, were you promoted
5 during that period you spent at Tuol Tumpung?

6 A. To be honest, when I got there, I was promoted to the team
7 leader, but I was under the supervision of my superior. And when
8 I was in Tuol Tumpung, my main task was to conduct the - the
9 purifying and the kapok. We receive this - the kapok from
10 different part of the country and my job was to classify it and I
11 have to monitor the machine that produce this cotton and my main
12 task was mainly monitoring the machine producing cotton. And I -
13 I were only allow on 3 days leave every months. I - I can ask for
14 leave for 1 day every 10 days.

15 And Mr. Rith was in charge of trade; domestic trade and foreign
16 trade, and he normally convened meetings among us to - to
17 propagandize among us that we had to be careful. If we ever broke
18 even one spoon, we would be associated as the enemy. That was one
19 issue.

20 [14.11.06]

21 And on a separate issue, there was a person from - from another
22 location - there was one comrade, Comrade Tha, who was 18 years
23 old, and Comrade Chea, who was the messenger of Ta Chea (sic)
24 after Nhem was removed in Kampong Som. Chea was originally from
25 Stoung district and then he was a messenger and also a driver.

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1 And Nhem was removed. He was arrested. Then he was promoted and
2 Comrade Tha was promoted after Ta Hong, the deputy of Rith, was
3 removed. And then Ta Hong disappeared and then Tha - Comrade Tha
4 was promoted.

5 And then one day, when we were working in Tuol Tumpung, Comrade
6 Tha call Comrade Chea to inspect a lock in the pagoda; whether or
7 not that lock could be used. It was almost 10 o'clock. Then I
8 look at the entrance to the pagoda. I did not know actually the
9 exact location now, but back then it was along the way. I try to
10 look at outside the pagoda fence. I saw small trucks. They were
11 in red colour.

12 [14.13.20]

13 When Comrade Chea got to the entrance of the pagoda, he was
14 pointed a gun at and then he was taken away in the truck and he
15 disappeared.

16 And then in the evening, we discussed among ourself; we did not
17 know our fate. One day we would be arrested or so. That was the
18 situation at that time, so we could not do anything at that time.

19 On the 17 of April, when we separated after Phnom Penh, we
20 totally went into different direction; some of us went to Aoral
21 and then after that Vietnam arrived. Some of us even went to the
22 Cambodian-Thai border and some of us were saved by the Vietnamese
23 soldiers who came in.

24 MR. PRESIDENT:

25 Well, you - you should move on, Mr. Prosecutor.

1 [14.14.25]

2 BY MR. DE WILDE D'ESTMAEL:

3 Q. Thank you for all these clarifications, Witness. We will try
4 to revisit some of what you have said, but let us limit the
5 testimony to Tuol Tumpung.

6 I would like you to clarify what you said in two statements to
7 the OCIJ investigators regarding the meetings that were held
8 every 10 days with Van Rith.

9 The first extract is from the record before you, E3/6.3, on page
10 5 in all the versions and languages. This is what you said and I
11 quote:

12 "In that entity, an internal meeting was held every 10 days and
13 the person called Rith also took part in that meeting."

14 You said in the meeting, and I quote:

15 "The enemy is not yet completely gone. They are still hiding and
16 burrowing inside the Party. We have to track and monitor them.
17 They will destroy even a spoon and not just anything
18 significant." End of quote.

19 [14.15.34]

20 Let me read another extract from another record of an interview
21 and the number is E3/472 and that was a few months after the
22 previous one and it is on page 3 in each of the languages.

23 With your leave, Mr. President, may I have this document shown to
24 the witness and also placed on the screen? That is page 3 in
25 English, Khmer, and French.

1 MR. PRESIDENT:

2 You may proceed.

3 BY MR. DE WILDE D'ESTMAEL:

4 Q. Regarding the same meeting, this is what you stated and I
5 quote:

6 "During the meeting, Ta Rith asked all the workers to carefully
7 respect the discipline instituted by Angkar and monitor the
8 activities of the enemy."

9 And in another answer, you said:

10 "Ta Rith said there were spies and arrests had to continue." End
11 of quote.

12 [14.16.53]

13 So you stated that Van Rith talked about enemies. Do you confirm
14 that he stated that they had to be monitored, arrested, or
15 eliminated?

16 MR. SIM HAO:

17 A. Well, of course, he did make mention of that, but I could not
18 recall every detail back then. I only recall some of the
19 important events relating to that situation.

20 Q. Thank you. Do you know whether Ta Rith, when he talked about
21 those enemies, made reference to the policy of the Party or to
22 the orders issued by the upper echelons of the Party?

23 A. That's what he raised, at the time, that the activities of the
24 enemy; particularly the burrowing from within enemy, must be
25 monitored and we had to take concrete measure to monitor their

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1 activity.

2 [14.18.34]

3 Q. Apart from the episode in which you saw that Chea -- that is,
4 the messenger of Nhem, and you said that Nhem, himself, had
5 earlier been arrested - apart from that episode, did you see the
6 trucks and the vehicles that transported Chea? Subsequently, did
7 you see those vehicles return for other arrests?

8 A. Later on, after Chea were taken away in a truck, up until the
9 liberation day, there were no more arrests; that's what I saw.
10 There was no more arrest up until the liberation day.

11 Q. And before Chea was arrested, did his people disappear in your
12 unit at Tuol Tumpung?

13 MR. PRESIDENT:

14 Witness, please hold on. Make sure that you see the microphone is
15 activated before you speak.

16 MR. SIM HAO:

17 My apology, Mr. President.

18 Following the arrest of Chea, for some - sometime later, there
19 were some problem that actually happened to me, but I think that
20 God had spared me and was lucky enough.

21 [14.20.45]

22 On the 6 of January, my wound got worse, so I could not go
23 anywhere. And at ministry of - Ministry of Commerce, only Suon
24 Rey and me were there, so I had to stay back at the ministry. And
25 at night, I missed others; I wanted to go and visit others. And

1 accidentally, on that night, they told me about the plan against
2 me. I was very terrified at that time. They accused me of being
3 enemy, too, and they told me that they do not know how to help
4 me, but he gave me an idea.

5 If we wanted to escape, we could not go anywhere in that era, so
6 he advised me to follow him. So we discussed among two of us at
7 night that we had to go and see the head of the office and we had
8 to tell him frankly. That was the only choice that I could make
9 and - and probably he could lend some mercy on us.

10 [14.22.30]

11 Though I - I had no choice; I had to do as what he suggested, so
12 I went out alone at around 7 or 8 at night; I cannot recall, but
13 it was sometime in the evening. But the head of the office was
14 not in bed yet and, at night, I saw the light on the street, but
15 at that time, it was rather quiet along the street. I wanted to
16 meet with the head of the office by the name of Tha. I knock on
17 her door and got in and I expressed my apology to her.

18 She asked me that was it me who went to the -- stay in the
19 hospital. She invited me in and then she talked to me. She asked
20 me where I was going and whether I had anything to talk to her. I
21 told her in fear, but I was trying to be as frank as possible. I
22 told her that the purpose of the report which implicates me that
23 I had some treatment against the workers and labourers in my
24 capacity as the team leader.

25 At that time, Tha who was the head of the office was younger than

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1 me, but I had to address her by Bong. I told her that - she
2 advised me that I had to respect the discipline of the Party. I
3 had to comply with the order of the Party and I told her that I
4 had complied fully with the Party's direction. I dare not deviate
5 from the Party's instruction.

6 [14.24.37]

7 Then, the next day, I noticed that my superior, someone who was
8 in the authority above me, were arrested. That lady was
9 originally from the Southwest Zone and she was someone who was
10 more senior than me in terms of position. She was arrested. So I
11 thought that it was my luck - it was my pure luck at that times
12 that I was not arrested; otherwise, I would have been arrested.
13 And then afterwards Rith convened a meeting. Actually, a meeting
14 was held in the pagoda. He asked us to look up and saw the
15 paintings in the pagoda. There were paintings of Buddhas and
16 Buddhist monks, and he told us that there was no use of having
17 all of this.

18 And then a few days later, they used the landmine and they
19 detonated this building so that the bricks could be used
20 elsewhere rather than having the temple over there. So, at that
21 time, that was the order by Rith and nobody would protest his
22 instruction at that time.

23 [14.26.13]

24 BY MR. DE WILDE D'ESTMAEL:

25 Q. Thank you, Witness.

1 For the rest of the time we have, may I request that you be as
2 concise as possible in your answers so that I could ask questions
3 on more subjects?

4 To sum up what you've said regarding this episode, if I
5 understood you correctly, you normally would have been arrested.
6 Suon Rey warned you and you went to speak to your superior, Ms.
7 Tha, to justify what you had done and you were saved as a result.
8 You told us that you were subsequently arrested following your
9 conversation with Tha, so after Chea's arrest, there was at least
10 one other arrest or more arrests including the one you've just
11 referred to; isn't that the case?

12 A. Well, after discussing this for some time, I come to recollect
13 the event. Of course there were arrests. I - I know that I cannot
14 recall every detail of the events. I may - it may pop up in my
15 mind after talking about this thing.

16 [14.27.40]

17 Sometime after that there were orders of arrest. They arrest the
18 networks. The - later on, they used the - the truck - big truck
19 and buses and they arrested in large - large group including
20 their family members, as well, and they took them away. I heard
21 the weeping and crying of those people who were taken away. So
22 they took away both husband and wife and family members; that is
23 what I witness at the time.

24 Q. Thank you. Regarding the vehicles you saw, the vehicles that
25 came to arrest Chea or the vehicle in which Chea and perhaps

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1 other persons were put, did you observe that it had a number
2 plate and any other distinctive signs? If yes, what were they?

3 A. I did not see any number plate on that car, but, in fact, it
4 was not a car; it was a bus as more people could be put on to
5 that bus. And nobody dared to protest, so we only keep working
6 and pretended not to see anything.

7 [14.29.48]

8 Q. Thank you.

9 I will now go into another line of questioning. And I would like
10 to read an extract of your – the record of your interview dated
11 29th of October 2008, so it is still E3/363 and it has to do with
12 Khieu Samphan. So it is on page 6 in French, page 5 in English,
13 and on page 00236035 in Khmer. I hope the duty counsel would help
14 you to find the passage.

15 This is what you said in answer to a question.

16 MR. PRESIDENT:

17 (No interpretation)

18 MR. VERCKEN:

19 Thank you, Mr. President.

20 I object to this question because I observed that when we are
21 talking about my client, the prosecutor no longer asks questions,
22 but refreshes the witness' memory. That is not normal.

23 [14.31.06]

24 Why don't you do what you've done before; put questions to the
25 witness and then try to refresh the witness' memory if he cannot

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1 remember something?

2 MR. DE WILDE D'ESTMAEL:

3 I am running out of time, Mr. President. I am adopting this
4 approach to try to gain time. I could ask an open question, but I
5 am also allowed to read a passage and then add further questions.
6 I think this method has been used before this Chamber and I
7 should be allowed to proceed in this manner. Thank you.

8 (Judges deliberate)

9 [14.32.47]

10 MR. PRESIDENT:

11 The objection by the international counsel for Khieu Samphan to
12 the last question by the prosecutor is not appropriate and the
13 question can be put in reference to the existing documents and
14 for that reason, the prosecutor can continue with the question
15 for this witness.

16 BY MR. DE WILDE D'ESTMAEL:

17 Q. Thank you.

18 I'll read out the excerpt, Mr. Witness. You said this:

19 "Later, in 1978, during the time I was working in Tuol Tumpung
20 Pagoda, I saw Khieu Samphan, who was accompanied by Rith, coming
21 to check on domestic products such as soybean and green beans
22 while workers were packing and weighing them for export." End of
23 quote.

24 Can you please confirm to us that you saw Mr. Khieu Samphan in
25 Tuol Tumpung coming to visit these premises just once or several

1 times?

2 [14.34.21]

3 MR. SIM HAO:

4 A. At that time, I saw him come to inspect the products, but he
5 did not stop and talk to us. He went along the road accompanied
6 by Rith and then he gave instruction that we should be careful
7 and attentive to the work because the - the product is for
8 export. And that's all I heard. And later on, he left.

9 Q. What you saw on that visit and what you heard within the
10 Ministry of Commerce, in your opinion, who -- out of Khieu
11 Samphan or Rith -- had a higher position in the hierarchy of the
12 Party?

13 A. I could not know, but you can do the comparison yourself; one
14 was in charge of the ministry; one was the head of state or
15 deputy head of state because from what I could see, Van Rith
16 while he was walking, he kept his head down.

17 Q. Very good.

18 MR. DE WILDE D'ESTMAEL:

19 Mr. President, staying on the subject of the leaders of
20 Democratic Kampuchea, I'd like to read a passage from the
21 interview given to the DC-Cam which has the reference IS19.177.
22 In English, it's on page 10; in other words, 00679694; and in
23 Khmer, 00055227. There isn't a French translation at the moment.
24 It's just a brief passage, and I'd like to ask the witness for
25 his reaction after that.

1 [14.36.57]

2 And it begins - or perhaps I should say first, Mr. President,
3 that I am going to read this passage in English because there
4 isn't a French translation.

5 MR. PRESIDENT:

6 Yes, you may proceed.

7 So interpreter, please switch your channel accordingly.

8 Counsel for Khieu Samphan, you may proceed.

9 MR. VERCKEN:

10 Thank you.

11 Excuse me. I wasn't able to note the page numbers. It went rather
12 fast for me.

13 BY MR. DE WILDE D'ESTMAEL:

14 Q. Yes, sure. In English, it's page 10; in Khmer, 00055227.

15 (Recording malfunction) "who was" -- answer from That - "Pol Pot,
16 Khieu Samphan, Ieng Sary, and Nuon Chea were all top leaders. I
17 didn't know who Brother Number Two was among them. I only knew
18 that Pol Pot was called Brother Number One."

19 And then a little bit under:

20 "Yes, there were other leaders in their respective ministries.

21 Apart from Pol Pot being the prime minister, I heard Son Sen was
22 in charge of the Ministry of National Defence; Ieng Sary was in
23 charge of the Ministry of Foreign Affairs; Nuon Chea was in
24 charge of the People's Assembly." End of quote.

25 [14.38.57]

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1 So that's the extract from your interview with those people in
2 2003, Mr. Witness. Since you say that Pol Pot, Khieu Samphan,
3 Ieng Sary, and Nuon Chea were senior leaders, could you tell us
4 when you learnt that those people were senior leaders in
5 Democratic Kampuchea?

6 MR. SIM HAO:

7 A. I cannot recall when I learnt about that. We did not dare ask
8 who were who, but we heard from other peoples the senior leaders
9 were those as you just mentioned and they were in charge of their
10 respective ministry.

11 MR. DE WILDE D'ESTMAEL:

12 Thank you.

13 Mr. President, I see that time is passing. I have about 10 more
14 minutes' worth of questions. I don't know if you want to announce
15 a break now. I'm in your hands.

16 [14.40.35]

17 MR. PRESIDENT:

18 The time is appropriate for a short break. We will break now and
19 return at 3 p.m.

20 Court Officer, could you assist the witness during the break and
21 have him returned to the courtroom at 3 p.m., likewise for the
22 duty counsel.

23 The Court is now in recess.

24 (Court recesses from 1440H to 1500H)

25 MR. PRESIDENT:

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

2 I hand over the floor to the prosecutor to resume his line of
3 questioning. You may proceed.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. Thank you very much, Mr. President.

6 Before going to the next two subjects, I would like us to discuss

7 - Witness, I would like you to clarify some of what you said

8 earlier. You said you first worked at Kampong Som, at Chrang

9 Chamres, Takhmau, and Tuol Tumpung after the 17th of April 1975.

10 During that period, can you confirm that you were, indeed, under

11 the Ministry of Commerce and under the authority of Van Rith?

12 [15.02.24]

13 MR. SIM HAO:

14 A. Thank you. Our task was under the supervision of the chief of

15 the office and Tha was the chief and he (sic) had to report to

16 Ministry of Commerce - she, rather.

17 Q. Very well.

18 Let us revisit the issue of the arrest of Chea and the vehicle

19 you referred to earlier. Let me read the answer you gave the OCIJ

20 investigators in document E3/363. In Khmer, it is on page

21 00236034. In French, it is - in French and English, it is on page

22 5. And this is what you stated and I quote:

23 "I saw with my own eyes the arrest of Comrade Chea, secretary of

24 the grandfather Nhem. At the time, the workers were at work;

25 whereas, Neary Tha, who was in the office, came to summon Chea. I

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1 saw Chea follow Rith up to pick up with a tarpaulin and pointing
2 the gun at her, she was pushed into the vehicle. The licence
3 plate of that vehicle was written with the word 'M-870'. 870 was
4 red." End of quote.

5 [15.04.25]

6 A while ago you said that you did not see a number plate. Can you
7 tell us whether the vehicle that transported Chea had a number
8 plate M-870 or not?

9 MR. PRESIDENT:

10 Witness, please hold on.

11 National Counsel for Mr. Khieu Samphan is on his feet. You may
12 proceed, Counsel.

13 MR. KONG SAM ONN:

14 Thank you, Mr. President.

15 I would like to object to this question for the reason that the
16 question is leading. Mr. Prosecutor is leading this witness. To
17 my records, the witness already testified at time marker at
18 around 2.13. He said that he saw the licence plate M-870 in red.
19 And then the prosecutor raised another issue concerning M-870
20 which was a - a new issue and he is leading this witness in
21 question. Thank you.

22 [15.05.47]

23 MR. DE WILDE D'ESTMAEL:

24 Mr. President, I must admit that I haven't understood the purpose
25 of this objection. I am quoting what the witness said in the

1 record of his interview to the OCIJ investigators. I am not
2 leading or interpreting what the witness has said. The witness
3 can tell us whether he saw that number plate or not. It's not an
4 issue of interpretation here.

5 MR. PRESIDENT:

6 The International Counsel for Mr. Khieu Samphan, you may proceed.

7 MR. VERCKEN:

8 Yes, thank you, Mr. President.

9 I also had an objection to make, not the objection made by my
10 national colleague. My objection is that the reminder made by the
11 prosecutor is not correct; it's not honest, because we know the
12 witness was interrogated twice by Tribunal investigators.

13 [15.06.51]

14 We also know that the first time he said he didn't see that
15 number plate and the second time, he gave the information that
16 the Co-Prosecutor is citing. So, for purposes of completeness, in
17 refreshing the witness' memory, they should refer him to the two
18 interviews and the two interview records.

19 And I must say that I didn't quite understand the objection of my
20 learned colleague because there may be an interpretation problem
21 regarding what the witness said.

22 MR. PRESIDENT:

23 This is my observation; the witness said - concerning the trucks
24 that came to pick up people from Tuol Tumpung, he said that he
25 saw this vehicle bearing the licence plate M-870 and in his

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1 previous record of interview, he made reference to M-870. And the
2 prosecutor failed to ask the – for the clarification on the
3 differences on these two issues. This leads to the question and I
4 think that the statement in Khmer is clear.

5 [15.08.41]

6 BY MR. DE WILDE D'ESTMAEL:

7 Very well, Mr. President. If he did say in Khmer that – that it
8 was indeed number plate M-870, I will go by that statement, but
9 we didn't receive this part of the sentence in French, Mr.
10 President, but I can proceed to another line of questioning.

11 Q. Witness, you stated earlier that Khieu Samphan went to Tuol
12 Tumpung to visit workshops in 1970. You also talked of arrests.
13 Regarding the arrests at Tuol Tumpung, did they take place before
14 Khieu Samphan came or some of the arrests occurred after he came?
15 I just want you to situate those events in time.

16 MR. SIM HAO:

17 A. Thank you. I am afraid I am a bit lost on this point. I need
18 some time to think over it again.

19 The arrest of Comrade Chea took place before the visit of Mr.
20 Khieu Samphan.

21 [15.10.30]

22 Q. Very well.

23 Another question for purposes of clarification: You stated that
24 during Khieu Samphan's visit, Van Rith was present and he lowered
25 his head. I am not Khmer. Can you specify what you meant when you

1 said that he lowered his head?

2 A. Thank you. According to my knowledge, the gesture of bowing
3 head in front of somebody else was the show of respect for
4 somebody more senior.

5 Q. Thank you, then.

6 Let us now talk about something else, specifically, the meeting
7 you said you attended with Khieu Samphan at the beginning of
8 1979. You talked about that meeting on several occasions in your
9 interview with the Cambodian Documentation Centre in 2003. Can
10 you tell us who attended that meeting in early January 1979 and
11 which was attended by Khieu Samphan and where that meeting was
12 held?

13 A. I apologize; I do not recall.

14 [15.12.39]

15 Q. I will try to refresh your memory in the little time I have
16 left by reading out an extract of the interview with the DC-Cam.
17 The reference is IS19.177. In English, it is on page 37 and page
18 38; and in Khmer, the ERN is 00055251.

19 And again, this is a passage that I will read in English, Mr.
20 President.

21 This is what you state during that interview, Witness, and I
22 quote:

23 "The 5th of January '79, foreigners were evacuated from Kampong
24 Cham and were sent by boat to Kampong Som. I came to a meeting in
25 the morning at Borei Keila. I saw Khieu Samphan with my own eyes.

1 I was surprised when I heard him speaking like that."

2 And a little further down you speak about Khieu Samphan and you
3 say:

4 [15.14.04]

5 "Khieu Samphan said even if there is fighting or bombarding in
6 Akreiy Ksatr, we as squad team leaders, commanders of platoons
7 and companies, have to dig trenches and reinforce our forces. We
8 cannot just run away from our stations. We cannot be
9 discouraged."

10 And a little further down:

11 "Yes, at the stadium, only the heads of units or battalions were
12 invited to the meetings. Regular people were not invited. The
13 purpose of the meeting was to inform each of them about the
14 situation.

15 After that meeting, we attended another meeting at the ministry.
16 The heads of the ministries were preparing to dig trenches." End
17 of quote.

18 Witness, do you confirm that you attended a meeting with Khieu
19 Samphan at Borei Keila in early January 1979 shortly before the
20 Vietnamese captured Phnom Penh?

21 [15.15.34]

22 A. Thank you. I try to follow your question.

23 Indeed, Mr. Khieu Samphan convened a meeting and then, a day
24 afterwards, Vietnam forces entered.

25 Q. Apart from telling you to dig trenches, did Khieu Samphan talk

1 about anything else to you? For instance, did he talk about
2 temporary retreat in the face of the advancing Vietnamese troops?

3 A. Mr. Khieu Samphan did advise us to dig trenches and he wanted
4 all of us to strengthen our spirit to fight back and everyone
5 should reinforce their forces.

6 Q. Was it only members of the Ministry of Commerce who attending
7 that meeting or officials of other ministries and the military
8 who attended it?

9 A. On this point, I apologize. I do not recollect the attendees
10 of the meeting. I did not know where the attendee came from.

11 [15.17.44]

12 Q. Witness, do you know someone from the Ministry of Commerce who
13 worked at Chrang Chamres called Vo Suy (phonetic)?

14 I did not pronounce this correctly. It is Ruos Suy, R-u-o-s, and
15 S-u-y. This is for the Khmer interpreters.

16 MR. SIM HAO:

17 A. No, I don't know this person.

18 Q. Last question on this line of questioning. Did you hear Khieu
19 Samphan talk about the enemies, internal or external enemies of
20 the country, at that occasion - on that occasion?

21 A. No, I do not recall him saying that because it has been quite
22 a long time. I have forgotten most of it.

23 Q. Thank you. Last line of questioning, Witness.

24 Meetings or meeting with Nuon Chea, how many times did you
25 personally attend events or study sessions at which Nuon Chea was

1 present; one time, twice, or more?

2 A. I do not recollect.

3 [15.20.10]

4 Q. Very well. But do you recall seeing him at major events during
5 the Democratic Kampuchea era?

6 A. No, I never met him.

7 MR. DE WILDE D'ESTMAEL:

8 Thank you, Witness. I have no further questions for you, and I
9 thank you for accepting to come to bring the truth to light.

10 Thank you, Mr. President.

11 MR. PRESIDENT:

12 Thank you.

13 Next, I hand over the floor to the Lead Co-Lawyer for the civil
14 party to put the question to the witness. You may proceed.

15 MR. PICH ANG:

16 Thank you, Mr. President. Madam Chet Vanly will be the delegated
17 lawyer to put the question to the witness, and Madam Martineau
18 was also - will also be putting question to the witness.

19 [15.21.26]

20 MR. PRESIDENT:

21 Yes. You may proceed.

22 QUESTIONING BY MS. CHET VANLY:

23 Thank you, Mr. President. My respect to Mr. President, Your
24 Honours and everyone in and around the courtroom. My name is Chet
25 Vanly. I am the defence - the lawyer for the civil party.

1 Q. Good afternoon, Mr. Witness. Just now, you have testified in
2 Court by responding to several lines of questioning by the
3 prosecutor, and I have some additional questions to put to you so
4 that you can shed light for the Chamber.

5 I would like to refer to document E3/472 and E3/363, which were
6 the written records of interview, and document IS19.177 by the
7 DC-Cam. Based on these documents, the prosecutor have already
8 given to you and I would like to ask for clarification on a few
9 points relating to the event that you witnessed or you
10 experienced by yourself during the period of the Democratic
11 Kampuchea.

12 [15.22.53]

13 You told the Co-Prosecutor earlier on that you used to work in
14 Kampong Som, so I would like to ask you to expand on that. What
15 year was it when you were sent to work in Kampong Som?

16 MR. SIM HAO:

17 A. It was from July 1975 until July 1976. It was a one-year
18 period, and I was transferred back to Phnom Penh.

19 Q. Over there, you worked as a worker, as labourer. You carried
20 goods from the ships. You unloaded or uploaded goods to the ship.
21 What event did you encounter when you were working over there?

22 [15.23.56]

23 A. When I was working as a labourer in Kampong Som port, I
24 actually work at the dry port. It was some seven kilometres away
25 from the sea port. And they used truck to carry and we - to carry

1 goods. And we early - on the early days, we work in the ship, but
2 later on, those who were sent from the Southwest Zone were taken
3 away so we had to move in. So the Southwest group were
4 transferred to work in the ship and for us from the North Zone,
5 we were transferred to work in the dry port. And our work was
6 mainly carrying goods.

7 Q. At the dry port over there, what did you witness; for example,
8 the disappearance of workers, the deaths of workers, your
9 co-workers over there?

10 MR. PRESIDENT:

11 Please hold on. Make sure that you see the red light on your mic.

12 [15.25.19]

13 MR. SIM HAO:

14 My apology, Mr. President; I failed to observe it.

15 A. When I was working at that warehouse, for the sake of clarity,
16 when I first got there, it was about the first month when one of
17 the ship docked at the pier over there. And one day, there was an
18 aerial bombardment in that area. It did not hit the ship, but it
19 destroyed the warehouse. This warehouse was burned down. It was
20 all on fire.

21 The Americans' air raid bombarded on that warehouse, and it was
22 completely destroyed. Tonnes of goods were destroyed.

23 BY MS. CHET VANLY:

24 Q. In that bombardment incident you described, were there any
25 casualty, and how destructive was this bombardment? Could you

1 please elaborate further?

2 MR. SIM HAO:

3 A. When I first got there, I was not assigned a specific task.

4 Actually, that warehouse was empty. Actually, only the warehouse

5 were destroyed; as for the goods, it was still in the ship. It

6 was not actually unloaded and stored at that warehouse yet.

7 [15.27.19]

8 Q. In your record of interview, IS19.177, ERN in Khmer, 0055

9 (sic); English ERN 00679705 and 207 - it is not available in

10 French - you said when you got to - you lost - you got lost over

11 there and then you met a lady who was selling in foreign

12 encounter. At that time, they were not very open when they talked

13 to you.

14 So I would like to ask you to clarify the place where you met the

15 lady. You said that you met in foreign market. What did they sell

16 over there? Was it a marketplace or was it any particular place?

17 Can you enlighten it?

18 A. I failed to clarify on this point. I apologize to the Court if

19 I miss out any points of detail because it has been so many

20 years.

21 When we were transferred back from Kampong Som, we were not sent

22 directly to Chrang Chamres. We stayed temporarily at Ounalom

23 Pagoda. We had to prepare our staff in Phsar Thmei. And then, on

24 the way back to Ounalom from Phsar Thmei, we got lost. I did not

25 know where I should be staying, so I went back and forth. That

1 was the situation back then.

2 [15.29.00]

3 Q. Can you tell us about the market, the secret market? What kind
4 of market was it, or was it a market meant only for foreigners?

5 A. I actually went to ask for a girl who was a seller there, and
6 she told me that we could not get into there because it was a
7 secret place selling food or other things for foreigners.

8 Q. Can you tell us about the purchase by foreigners? Was currency
9 used at the time?

10 A. I could not know about that. I only heard what I was told by
11 the woman. I did not go into there.

12 Q. When you were at Tuol Tumpung Pagoda – and you stated before
13 this Chamber that you worked for a while in the Tuol Tumpung
14 Pagoda – and in document E3/472; ERN in Khmer is 00170627; and in
15 English, 00205031; and in French, 00205035; you stated that Ta
16 Rith was in charge of the commerce department and ordered for the
17 destruction of the statue in the Tuol Tumpung Pagoda.

18 My question to you is: Why was order made for the destruction of
19 the Buddha statues and what happened to the monks there?

20 [15.31.16]

21 A. At that time, there was no monk at all throughout the regime,
22 and Buddha statues and all the pagodas were ordered to be
23 destroyed. They were all destroyed.

24 There was a temple there, and then they would say that there is
25 no need to use the labour force to destroy the temple. They would

1 use some monks in order to destroy the temple and then the – the
2 remnants from the temple will be used for road construction.

3 There was no monk at all at the time.

4 Q. You also stated to the prosecutor that all the goods and
5 equipment that you prepared and you were screening the cotton
6 product. Where did you store the cotton product? Were – did they
7 build store or warehouses around the pagoda area?

8 [15.32.40]

9 A. Regarding the – the cotton, cotton seeds that needs to be
10 processed through the machine, in order to produce the bales of
11 cotton – and there was three kinds of cottons. And for the cotton
12 product, they would be placed into big sacks and then they would
13 be sent to Takhmau. In Takhmau, there was a machine that would
14 compress the cotton and make them into ready product for export.

15 Q. You stated before the Court as well that you met Khieu
16 Samphan, who came to inspect the screening of cotton product for
17 expert – for export. That was the first time that you met him.
18 Did you meet him at any other locations, subsequently?

19 A. When he came, he did not stay there for long. He came walking
20 and Van Rith was following him behind. That was the first time,
21 and I met him the second time as I stated earlier.

22 Q. What about the fifth in 1979? Did you see Khieu Samphan on the
23 armour vehicle fleeing Phnom Penh?

24 A. No, I did not. I did not know when he fled or from which
25 direction he fled.

1 [15.34.54]

2 Q. You also stated before this Court that you saw a number of
3 times of the arrest, namely, at Kampong Som and in the Tuol
4 Tumpung Pagoda. Can you tell us who issued orders for the arrest?
5 And you also said you saw the vehicle with the plate of M-70 or
6 M-870, which is still unclear. Can you tell us where those
7 vehicles came from?

8 A. I think there is a mistake in the recording of the statement.
9 I never knew about the M-870. I only knew from my glance at a
10 plate number that is M-70. And I did not know where the vehicle
11 came from.

12 Q. Thank you. Due to my limited time, I will ask only one or two
13 more questions.

14 Besides Koy Thuon that you met and who was a Khmer Rouge leader,
15 did you meet any other Khmer Rouge leaders?

16 A. As for Koy Thuon, allow me to clarify. I only heard of his
17 name. I never saw him in person.

18 I heard of his name during the meeting that he was Koy Thuon
19 alias Thuch, and he was the chief of the North Zone. But I never
20 saw him in person.

21 [15.37.06]

22 Q. This is my last question.

23 In your written record interview with DC-Cam, that is, IS19.177;
24 Khmer ERN 0055269; and in English, 00679695; you state that while
25 you were in Phnom Penh, you came for meetings and you knew Son

1 Sen was from the defence ministry, Nuon Chea from the National
2 Assembly, Ieng Sary from the foreign affairs, Thiounn Thioeunn
3 from the health ministry and Hu Nim from the propaganda and Yon
4 (phonetic) was with Hu Nim and Khieu Samphan.

5 Can you tell us where the meeting was held and who actually
6 participated in that meeting?

7 A. The meetings that was held on the 10th, the 20th and the 30th
8 of each month was held in the ministry, and it was chaired by
9 Vann Rith, who was the chief of commerce, and it was held near
10 Tuol Tumpung area. It was a general meeting for the whole
11 ministry, and all the labourers had to attend that meeting.

12 [15.38.46]

13 Q. What were the usual contents of that meeting?

14 A. I cannot recall all the contents. However, there were
15 instructions and the reasons from the leadership that - regarding
16 their angst against the previous regime. But I cannot recall all
17 the details of the content.

18 Q. For each meeting, did they raise the political party lines or
19 the enemy situation or the purchase of the internal and external
20 rank enemy?

21 A. As I stated from the outset, they raised the same issues. If a
22 spoon is broken, it means that there is an enemy infiltrated
23 within and that we have to research out that enemy and we had to
24 work for the Party so that the Revolution can move forward.
25 They talked much more than that, but I cannot recall. And that

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1 was the theme of the propaganda. And that we did not engage in
2 the actual rice field, but we have sufficient food to eat, so for
3 those who actually worked in the - in the rice field would have
4 more. And that made us happy to hear it. But in fact, the
5 situation was in the - the opposite end. All the relatives
6 suffered.

7 [15.40.54]

8 Q. Was that kind of meeting held frequently? How many times per
9 month?

10 A. As I stated already, there were three meetings that was held
11 each month. That was a general meeting that everybody had to
12 attend three times per month.

13 Q. Regarding this point, who actually participated in the
14 meeting?

15 MR. PRESIDENT:

16 Witness, please wait until the microphone is activated.

17 MR. SIM HAO:

18 A. You keep raising the same question. I already told about that.
19 The meeting was held and those who was the chief of the office or
20 the departments would attend a meeting together with the
21 labourers.

22 MS CHET VANLY:

23 Thank you for your testimony for this Court. And due to the time
24 limit, I now conclude my question.

25 [15.42.30]

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1 QUESTIONING BY MS. MARTINEAU:

2 Good afternoon, Mr. President. Good afternoon, Your Honours, all
3 parties, and to you, sir.

4 Q. I'm going to ask you a few short questions. You have answered
5 a great many this afternoon, and I'm looking for matters of
6 detail, really.

7 So first, you were a soldier. Then you were transferred to
8 Kampong Som and you became a labourer.

9 Did you contest that transfer? Perhaps I missed something here,
10 but was there still a connection with the army when you were in
11 Kampong Som and then when you came back to Phnom Penh?

12 [15.43.32]

13 MR. SIM HAO:

14 A. Allow me to clarify. In short, after the liberation in 1975
15 and when I returned to Kampong Som, I was no longer a soldier. I
16 had nothing to do with the military, and I became solely a
17 labourer.

18 Q. Thank you for helping me with that. Perhaps I hadn't been
19 following, but it's an important point.

20 When you were in Kampong Som, you have told us repeatedly that
21 you were loading and unloading vessels. Can you tell us which
22 products were being exported; in other words, products
23 manufactured in Cambodia and which were sent off for export?

24 Do you have an idea of what products you were loading onto these
25 boats for export?

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1 A. For exports there would be husked rice and other equipment as
2 I stated earlier. For example, spade -- sprayed, all kinds of
3 insecticides and the vehicle, as I stated earlier, that's for
4 import rather, but for export when I was there what I saw and
5 what I carried onto the train, onto a ship, including the rubber
6 - rubber-cotton product. And number one husked rice and beans.
7 They were for export but, of course, we did not know the actual
8 price of those products as there was no currency used in the
9 regime.

10 [15.46.09]

11 Q. Did you ever transport animals, put them in the boats?

12 A. Labourers were used for carrying goods and, of course, there
13 were also machines that would be used to lift those goods. For
14 rubber, raw rubber, the crepe rubber in the weight of 30, 40 or
15 50 kilos maximum, then we would carry it on our shoulder and then
16 we would load it onto the ship.

17 Q. Another question. When you were transferred back to Phnom Penh
18 from Kampong Som, did you get any precise explanation of why you
19 and a few other people were being sent to Phnom Penh?

20 A. I did not know the reason, but our group was split into two
21 because there were about 500 or 600 of us in the battalion and so
22 200 of us out of the battalion was sent. I did not know the
23 reason. Maybe they needed labourers to do so.

24 [15.48.09]

25 Q. So you were never told the reason. Once you got to Phnom Penh,

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1 as you told us in great detail, you went from place to place and,
2 in particular, at Kilometre 6 and toward Tuol Tumpung. Apart from
3 the soldiers in your battalion, were there other labourers who
4 were working in these factories or warehouses?

5 A. I only knew about the Ministry of Commerce, but there were
6 also labourers who worked overseas, but I only knew about what
7 happened within my section.

8 Q. In the course of your work as a labourer, did you ever come
9 across children who were working?

10 A. At my workplace in Tuol Tumpung or other workplaces where I
11 worked, there were no children staying around, children would be
12 placed into a child care centre -- elsewhere we would not know;
13 only adults were within our work group.

14 [15.50.35]

15 Q. I believe at some stage you said that there were some boys of
16 12 or 13, but I cannot quite find the reference at the moment. I
17 think it's in document 19/177, pages 23, 24 in English; and in
18 Khmer, it's 00055238 and 239. And here you say that there were 12
19 and 13 year-olds and you were asked if they were obliged to work
20 and you say they were forced to work like the adults.

21 I don't know if this was in Phnom Penh or in Kampong Som, it's
22 not very clear in your response, but it would appear, from what
23 you say, that you did see children working?

24 A. The 12 to 13 year children - there were a group of these
25 children while I worked at Takhmau, and they were the children of

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1 the former workers -- that is, the workers of the former Lon Nol
2 regime. Because, at that time, the mothers were placed in a
3 separate group and the children were used at that time, and for
4 us the new labourers, we did not know the organization of the
5 existing workforce in that cotton factory.

6 Q. Thank you.

7 It appears, Mr. Witness, that around May or June 1976 you got
8 married. Could you elaborate on that? Was it a marriage to which
9 you'd really consented or was the choice made by Angkar?

10 [15.51.16]

11 MR. PRESIDENT:

12 Witness, please wait.

13 Counsel Victor Koppe, you may proceed.

14 MR. KOPPE:

15 Thank you, President. Maybe my learned friend on the other side
16 could explain why this question on his marriage falls within the
17 scope of this present trial. It's not about communication, it's
18 not about structure, it's not about forced transfer, it's not
19 about Tuol Po Chrey; may be about forced marriage, I don't know,
20 but it's certainly not within the realm of this present trial.

21 MS. MARTINEAU:

22 Mr. President, with your leave, I shall answer. Forced marriages
23 is part of the five policies. It's a subsidiary issue which is
24 important. Mr. Sim Hao has talked about this. I am asking him a
25 question and I think that he can perfectly well respond. It's the

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1 kind of question that has been put to a number of witnesses and
2 which falls within the framework of the policies that's covered
3 in this trial.

4 (Judges deliberate)

5 [15.54.44]

6 MR. PRESIDENT:

7 Witness, you are not – you are instructed not to respond to the
8 last question put to you by the assigned lawyer for civil parties
9 because that question is not related to the facts being put
10 before us regarding Case 002/01.

11 BY MS. MARTINEAU:

12 Q. Final question to the witness. You told us, this afternoon I
13 believe, that you had to feign to have seen nothing and you, and
14 no doubt others among your co-workers, were always afraid of
15 being arrested.

16 Can you explain what prevented you from seeing things, why you
17 didn't want to see things, and who you were afraid of? What was
18 the reason for the fear?

19 [15.56.19]

20 MR. PRESIDENT:

21 Witness, please wait.

22 Counsel for Khieu Samphan, you may proceed.

23 MR. KONG SAM ONN:

24 Thank you, Mr. President. From what I heard in the question by
25 the assigned counsel for civil parties, it seems that she is

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1 referencing to a document that is placed before this Court. If
2 that is the case, please specify the ID of that document. Thank
3 you.

4 BY MS. MARTINEAU:

5 Q. No, I'm not referring to a document, Mr. Sim Hao, and I can't
6 give you the references, but you heard him say "We had to pretend
7 to see nothing". This is what I noted down, which begs another
8 question.

9 If you had to pretend to see absolutely nothing, then what were
10 you afraid of in seeing? That's really my question.

11 MR. PRESIDENT:

12 Witness, you are now instructed to respond to the question put to
13 you by the assigned lawyer for civil parties.

14 MR. SIM HAO:

15 A. The reason that we did not dare to ask or that we pretended to
16 be blind is that, in that regime we could not make any protest
17 and the arrests were made subsequently and continuously, and
18 that's what happened. And, of course, we were always afraid.

19 [15.58.46]

20 MS. MARTINEAU:

21 Thank you, Mr. Sim Hao. I have no further questions to put to
22 you. And thank you, Mr. President.

23 MR. PRESIDENT:

24 Thank you.

25 And thank you, Witness.

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1 The time is appropriate for the adjournment, and before we
2 adjourn we would like to inform parties to the proceedings that
3 for the following proceedings and the proceedings for tomorrow
4 has rescheduled a little bit.

5 In the scheduling that we notified the parties, that the TMM is
6 scheduled for the afternoon, tomorrow afternoon. However, as this
7 witness continues to testify and that the duty counsel cannot
8 participate in tomorrow morning's session, then the hearing of
9 the testimony of this witness will be for the afternoon session.
10 And for that reason the TMM will be shifted to the morning
11 session. And the continuance of the hearing of the testimony of
12 this witness will be started at 1.30.

13 [16.00.07]

14 And, as for the hearing of the remaining witnesses, will be
15 shifted accordingly, that is, for the two witnesses, and we plan
16 to hear their testimonies next week. That's for TCW-384 is set to
17 be on Monday and then 801 is on the subsequent day.

18 And we'd like to enquire with the Accused for TMM tomorrow
19 morning, whether the Accused wish to participate as they have the
20 choice of either to participate or not?

21 MR. KHIEU SAMPHAN:

22 Mr. President, I would like to seek your leave to rest during
23 this time.

24 MR. PRESIDENT:

25 Thank you. Thank you for your confirmation and we will decide so.

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1 What about the counsel for Nuon Chea?

2 [16.01.23]

3 MR. KOPPE:

4 May we get back to this tomorrow morning early because we don't
5 know if he wants to participate tomorrow or not? Maybe he wants,
6 I don't know.

7 MR. PRESIDENT:

8 We would like to get the confirmation now because if he wishes to
9 participate then he will be brought into the holding cell
10 downstairs tomorrow morning.

11 (Short pause)

12 [16.03.34]

13 MR. KOPPE:

14 He doesn't want to.

15 MR. PRESIDENT:

16 Thank you for your confirmation.

17 The hearing today has come to an adjournment and we will adjourn
18 now and we will resume tomorrow morning at 8.30 - that is,
19 Thursday. And for tomorrow morning's session, we will have a
20 Trial Management Meeting and for the afternoon session we will
21 continue to hear the testimony of this witness, Sim Hao, who will
22 be questioned by the defence teams - from the Khieu Samphan
23 defence team first. This information is for all parties, support
24 staff and the general public.

25 Mr. Sim Hao, the hearing of your testimony has not yet concluded

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1 and we will hear your testimony tomorrow once more and you are
2 therefore invited to return to this courtroom commencing at 1.30.
3 Court Officer, could you assist this witness in collaboration
4 with WESU for his return to his residence and have him returned
5 to this courtroom for tomorrow afternoon at 1.30.

6 And, Mam Rithea, the duty counsel, you are also invited to
7 participate at the same time.

8 [16.05.11]

9 Security guards, you are instructed to take the two accused, Nuon
10 Chea and Khieu Samphan, back to the detention facility and have
11 them returned to the courtroom for tomorrow afternoon's session
12 at 1.30 and, as usual, Nuon Chea shall be brought to the holding
13 cell downstairs which is equipped with audio-visual means for him
14 to follow the proceeding remotely.

15 The Court is now adjourned.

16 (Court adjourns at 1605H)

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