



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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

17 June 2013
Trial Day 195

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

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
MR. CHAN DARARASMEY	Khmer
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MR. LENG CHHOEUNG (TCW-384)	Khmer
MR. PICH ANG	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SON ARUN	Khmer

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

2 (Court opens at 0905H)

3 MR. PRESIDENT:

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

5 As scheduled today, the Chamber is hearing TCW 384.

6 Mr. Dav Ansan is now directed to report to the Chamber on the
7 status of the parties to the proceedings today.

8 THE GREFFIER:

9 Good morning, Mr. President and Your Honours. All parties to the
10 proceedings today are present, except Mr. Nuon Chea who is
11 present in his holding cell downstairs, and this is based on the
12 decision by the Trial Chamber, and he is permitted to observe the
13 proceedings from there due to his health concerns.

14 [09.06.50]

15 Today, the Chamber is hearing TCW 384, who has already taken the
16 oath. The witness took the oath this morning, and according to
17 the witness' knowledge, the witness is not in a relationship with
18 the two accused persons, Mr. Nuon Chea and Khieu Samphan, or any
19 civil party admitted in this case file.

20 The witness will be assisted by Mr. Moeurn Sovann, the duty
21 counsel, and today, there is no reserve witness.

22 Thank you, Mr. President.

23 MR. PRESIDENT:

24 Thank you, Mr. Dav Ansan.

25 Court officer is now directed to call TCW 384, please.

2

1 (Short pause)

2 (Witness TCW-384 enters the courtroom)

3 [09.09.26]

4 QUESTIONING BY THE PRESIDENT:

5 Good morning, Mr. Witness.

6 A. What is your name, please?

7 MR. LENG CHHOEUNG:

8 A. I am Leng Chhoeung.

9 Q. Mr. Leng Chhoeung, how old are you?

10 A. I am 50 years old.

11 Q. Where do you live?

12 A. I live in Sampov Lun district of Battambang province.

13 Q. What are your parents' names?

14 A. My father is Chheng Duong. My mother is Un An.

15 [09.10.24]

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

17 A. My wife is Huot Ry, and we have three children.

18 Q. Thank you, Mr. Leng Chhoeung.

19 According to the report just presented by the Court officer that

20 you are not in a relationship with the Accused or a civil party

21 in this case file and that you already took the oath this morning

22 before you appeared before this Chamber; is that correct?

23 A. Yes, it is, Mr. President.

24 [09.11.19]

25 Q. Now, the Chamber would like to proceed to inform you of your

3

1 rights. We would like to notify you of your right under Rule 28,
2 right against self-incrimination of witnesses.

3 As a witness, you may object to making any statement that might
4 tend to incriminate you. In other words, you have the right not
5 to incriminate yourself, and you are to respond to questions. And
6 with - to ensure that you can exercise your right, we coordinate
7 with the WESU unit to make sure that a duty counsel is assigned
8 to assist you, who is now sitting next to you. He will be ready
9 to discuss this with you; for example, if you feel that your
10 responses would be self-incriminating.

11 [09.12.35]

12 And furthermore, as the witness, you are to give or respond to
13 all the questions put to you by the Bench and parties to the
14 proceedings, and indeed, the responses have to be made from you
15 except those that you feel are self-incriminating. And as the
16 witness, you shall speak the truth or tell the truth, the whole
17 truth, nothing but the truth, and this truth must be relevant to
18 the accounts you have experienced during the events.

19 Mr. Leng Chhoeung, have you ever given any interviews to the Co
20 Investigators of the Tribunal during the last few years?

21 A. Yes, I have. I gave interview to these people in 2009 at my
22 home.

23 Q. On how many occasions did you give such interviews?

24 A. It was on one occasion only.

25 Q. Thank you.

4

1 Before you appeared before this Chamber, have you read or
2 reviewed the accounts of your interview you once gave to the
3 investigators to refresh your memory?

4 A. I'm afraid I haven't read the detail of this statement, but I
5 have browsed it briefly.

6 [09.15.03]

7 Q. We take that you have read it briefly.

8 According to your brief review of the statement, are you
9 convinced that the statement is still consistent with the
10 accounts you provided back then?

11 A. Some are consistent, some are not, I believe, because I do not
12 remember this precisely now. It took place long ago.

13 MR. PRESIDENT:

14 Thank you, Mr. Witness.

15 For the questioning of this witness, the Chamber would like to
16 hand over to counsels for Mr. Khieu Samphan to put questions to
17 the witness before the other parties to the proceeding. Counsels
18 for Mr. Khieu Samphan and counsels for Mr. Nuon Chea will have
19 half day for questioning.

20 [09.16.05]

21 MS. GUISSÉ:

22 Good morning, Mr. President. Good morning to the Chamber and the
23 parties.

24 In accordance with Memo 288, I believe that the Co Prosecutors
25 should start the questioning of this witness. That is what the

5

1 text seems to say in paragraph 6. That's the programming that was
2 set down, so I will stand corrected by the parties if I am wrong,
3 but it seems to me that that is what has been planned. Thank you.

4 MR. PRESIDENT:

5 Thank you.

6 We would like to hear from the Prosecution, please?

7 MR. DE WILDE D'ESTMAEL:

8 Thank you, Mr. President. I don't have the memo that the Defence
9 is referring to before me, but I think the practice is
10 well-established. Considering that this witness was called by the
11 defence of Khieu Samphan it would be logical for them to begin,
12 us to continue, and for us to close with the civil parties.
13 That's our view, but we will, of course, go by whatever you
14 decide, Mr. President.

15 [09.17.25]

16 MS. GUISSÉ:

17 Yes, Mr. President, it's true that we wanted to see this witness
18 before the Chamber, but let me also remind you that this is one
19 of the witness's or statements of – that was supposed to appear
20 on the list -- that is one of the testimonies that the Co
21 Prosecutors had requested to come, because not related to the
22 acts and conducts of the Accused. In such circumstances, I think
23 that it is for the Defence to take the floor last. And in the
24 document, 00917754, it seems to be laid down that the Defence
25 should come last after the Co Prosecutors and the civil parties,

6

1 so I maintain my request.

2 (Judges deliberate)

3 [09.18.50]

4 MR. PRESIDENT:

5 Now, the Chamber wishes to rule on this by offering the
6 opportunity to counsels for Mr. Khieu Samphan to proceed putting
7 the question first because they are the original requestors for
8 this witness to be heard. And indeed, there may be some issue
9 regarding this memorandum, nonetheless, the Chamber now wishes to
10 hand over to counsels for Khieu Samphan to proceed with the
11 questioning.

12 QUESTIONING BY MS. GUISSÉ:

13 Very well, Mr. President.

14 Good morning, Mr. Leng Chhoeung. My name is Anta Guissé, I am the
15 international co lawyer for Mr. Khieu Samphan, and in that
16 capacity, I would like to ask you some questions about your
17 experiences between 1975 and 1979. If any of my questions do not
18 seem clear to you, please do not hesitate to ask me to repeat it.

19 [09.20.15]

20 Q. To begin with, can you please tell the Chamber what year you
21 joined the Revolution?

22 MR. LENG CHHOEUNG:

23 A. I joined the Revolution in late 1973.

24 Q. What region were you living in at the time?

25 A. I was in Takeo province.

1 Q. Did you stay in Takeo during the entire Democratic Kampuchea
2 period or did you leave that region?

3 A. In 1976, I was sent to Phnom Penh.

4 Q. When you reached Phnom Penh in 1976, where were you sent to
5 work and by who?

6 A. First, I stayed at the Khmer-Soviet Technical School and then
7 we were split into two groups. The young people would be sent to
8 the factories, when the adults would be sent to work as drivers.

9 Q. And what about you, Mr. Witness, which group were you put into
10 precisely?

11 A. I was placed in the adult group.

12 [09.22.42]

13 Q. So you were designated as a driver, if I understand correctly?

14 A. Yes, it is correct. I was a driver.

15 Q. Do you remember the name of the office you were sent to work
16 in?

17 A. It was at K 12 office.

18 Q. And did you become a driver immediately after your arrival in
19 Phnom Penh, or was there a time during which you did other jobs?

20 A. Before I became the driver, I were - I was tasked with
21 cleaning the city, and I had to dump the trashes at Stueng Mean
22 Chey dumping site.

23 Q. Who was in charge of K 12 when you were there?

24 A. Meal was in charge.

25 Q. How long did you stay in K 12 as a driver?

8

1 A. I stayed there for a period of two years consecutively.

2 [09.24.52]

3 Q. So you told us that you started in 1976, which would mean that
4 you stayed until 1978. Is that right?

5 A. Yes, it is.

6 Q. And then, what happened after in 1978?

7 A. Then I was tasked with the driving work and I drove for Mr.
8 Khieu Samphan.

9 Q. When in 1978 did you become a driver for Mr. Khieu Samphan? Do
10 you remember the month?

11 A. I'm afraid I don't remember it precisely, but it perhaps was
12 in August or September or November. Between the three-month time,
13 I believe.

14 Q. And for how long did you continue to be his driver?

15 A. I became his driver all the way to 1979.

16 Q. Can you be a little bit more precise about when it was in 1979
17 that you ceased to be his driver?

18 A. I became his driver in let's say August to - 1978, and I
19 ceased to become his driver in 1979.

20 [09.27.25]

21 Q. Yes, I did know the 1979, Mr. Witness, but can you tell us
22 more precisely at what date you stopped or what particular event
23 marked the end of that job for you?

24 A. I ceased to become his driver when we had to flee and we had
25 to go climb the mountain on the run.

1 Q. When you're talking about fleeing, are you referring to the
2 Vietnamese arriving in Cambodia?

3 A. I think it is correct. It was when the Vietnamese were coming.

4 Q. Very good. Let's look a little bit more closely at the duties
5 you fulfilled. Could you, for example, tell the Chamber what kind
6 of vehicle you drove for Mr. Khieu Samphan?

7 A. I drove a small Lambretta.

8 Q. When you were working for Mr. Khieu Samphan, where did you
9 live?

10 A. I lived outside of his home.

11 [09.29.32]

12 Q. Outside his home. Well, let's start with you telling us where
13 Mr. Khieu Samphan's house was at the time?

14 A. I don't remember where it is now, but at that time he lived at
15 K 3 office. He stayed at that office, but I would live in another
16 house which was about 10 metres away from it.

17 Q. You talked about Office K 3. Can you describe for the Chamber
18 that particular office? Where was it located? How much space did
19 it occupy? How many buildings did it comprise?

20 A. At the time, there was no building. There was only three
21 flats. They blocked the road to reserve this flat as the office.
22 They blocked the road from the road crossing Ou Ruessei Market,
23 up until behind the Royal Palace.

24 [09.31.10]

25 Q. In my headset, I heard there were three apartments. Are you

10

1 saying that there was one single building that had three floors?

2 Is that the idea?

3 A. No. Actually, it was not three flats, but they blocked three
4 roads or three sections. There were three roads leading to that
5 section, but all of them were blocked except one.

6 Q. I understand that in K 3 there were three entrance routes, but
7 can you describe more precisely for the Chamber what there was on
8 those three roads, and can you give us an explanation of the K 3
9 layout?

10 A. At that place, they did not reside in each and every house,
11 because at that time certain houses were completely abandoned and
12 there was nothing left over there, so they only selected certain
13 houses which were in relatively good condition to work in.

14 Q. So, from your response, I have understood that there were
15 several houses in K 3. Some of them were inhabited, others not.
16 Do you remember how many houses there were in K 3, inhabited or
17 empty?

18 A. Well, I do not recall the number of houses in the compounds. I
19 did not even bother to count them anyway at that time.

20 [09.33.36]

21 Q. Perhaps we can make an estimate. I know we're going back quite
22 a few years here, but let's say were there more than five houses
23 in K 3?

24 A. There were approximately 20 or 30 houses. There were three
25 sections in that area, and it was about 200 to 300 metre lengths,

11

1 and there were several houses, but some of them were deserted and
2 others were inhabited. So, those who – those houses who were
3 inhabited were only a few.

4 Q. Very well. Let's turn our attention to the ones that were
5 inhabited.

6 You said that the house occupied by Mr. Khieu Samphan was about
7 10 metres away from the one that you used. Did you share your
8 house with other people, and if so, with who?

9 A. I stayed in that place alone; I did not share with anybody.

10 Q. And the house that Mr. Khieu Samphan lived in, did he share
11 that with other people?

12 A. He stayed there alone; he did not share with anybody either.

13 [09.35.40]

14 Q. Within K 3, who else was living there in the other houses that
15 you have described?

16 A. I do not recall them all, but there were relatively many
17 people, some 10 to 20 people, but we got to know each other only
18 during dining time.

19 Q. Can you remember the names of some of the people? Maybe not
20 all of them but others who you personally saw living in K 3?

21 A. I cannot recollect their names, it has been so many years, but
22 if we come across each other I would recognize them, but I have
23 forgotten their name.

24 Q. Before we continue on this point, can you just describe what
25 Mr. Khieu Samphan's house was like that he had in K 3?

12

1 A. No, I cannot describe the layout of his house because I never
2 entered into or inside the house.

3 [09.37.40]

4 Q. On a question from the President, you said that you remembered
5 answering questions from the investigators from the OCIJ in 2009.

6 So perhaps to help refresh your memory I could take you back to
7 that stage and read a little piece from your interview.

8 This is document E3/385, and the piece I want to read in French
9 is 00702543; in Khmer it's 00357210 and continuing on the
10 following page; and in English it's 00360127.

11 With your kind leave, Mr. President, I would like the Khmer
12 version to be put onto the screen so that the witness can follow.

13 And the part I want to read to you is down at the bottom of the
14 page, at least in the French version, and it's the last question
15 there, and the investigators asked you: "Where was the working
16 office of Khieu Samphan?" and you reply:

17 "Khieu Samphan did not really have an office, but his house was
18 at K 3. When he had work to do he went out to work. He returned
19 to rest at the K 3 office after finishing his work. I often drove
20 Khieu Samphan to his mother's house near Boeng Keng Kang. His
21 house was not a place of work. I saw only tables, a sofa for
22 receiving guests, and there was a hammock for him to rest. He
23 didn't have a secretary or a person to answer the phone, but
24 there was a telephone in the house for him to use. When he went
25 to work outside he locked his house."

13

1 [09.40.39]

2 So Mr. Witness, when I read this excerpt out from your statement,
3 does that refresh your memory? Is this Khieu Samphan's house at K
4 3 that you were describing in this passage?

5 A. Yes, that is correct.

6 Q. Thank you for that detail.

7 There's another point I want to take up now. You talked to us
8 about K 3, and we'll certainly come back to that, but did you
9 also know Office K 1?

10 A. Yes, I did.

11 Q. Could you tell us what distance there was dividing K 1 and K
12 3?

13 A. I cannot be exact but it could be around 3 to 4 kilometres
14 away from each other.

15 [09.42.05]

16 Q. Coming back then to K 3, you said that the house that you were
17 living in was some 10 yards away from Khieu Samphan's. Apart from
18 Khieu Samphan, did you know any of the other leaders? And the
19 first part of this bigger question is did you know Nuon Chea?

20 A. Yes, I did.

21 Q. When and where did you meet him?

22 A. I met him once in a while. When he did exercise I saw him.

23 Q. Where precisely did you see him?

24 A. I saw him at K 3 when he did exercise in the evening.

25 Q. Do you know if he had a house in K 3, and how far was it from

14

1 your house and Khieu Samphan's house, if you can remember?

2 A. They were living on the other section divided by a road. So

3 Khieu Samphan's house was on one side of the road and Nuon Chea's

4 house was on the other side.

5 [09.44.22]

6 Q. Did you know Ieng Sary?

7 A. I did, but I merely saw him; I never talked to him personally.

8 Q. Did you see him at K 3 as well?

9 A. Yes, I did see him at K 3.

10 Q. Can you tell us how far his house in K 3 was from Khieu

11 Samphan's house and your own?

12 A. I'm afraid I do not understand your question. Could you please

13 elaborate it?

14 Q. Well, you told us that you saw Ieng Sary in K 3, and so my

15 first question is did he have a house in K 3 as you recall?

16 A. Yes, he did, but to my recollection his house was located

17 along the blocks with that of Nuon Chea.

18 [09.46.08]

19 Q. So therefore on the other side of the road to Khieu Samphan's

20 house, if we take account of what you were telling us before. Is

21 that right?

22 A. Yes, that is correct.

23 Q. Did you know Ms. Ieng Thirith, the wife of Ieng Sary? Did she

24 live in K 3?

25 A. I did not know her and of course she did not stay in K 3.

15

1 Q. Do you remember if you ever saw – if you saw Nuon Chea and
2 Ieng Sary every day when you were in K 3?

3 A. I did not see him every day because I had my work to handle.

4 Q. Do you know if they lived in K 3 with their families? You said
5 that Ieng Thirith wasn't in K 3, but do you know if Ieng Sary or
6 Nuon Chea had other places to go apart from K 3? Don't conjecture
7 here; just tell us if you happen to know.

8 A. That, I do not know.

9 [09.48.12]

10 Q. Let's come back to the question of meals. Earlier on, you told
11 us that in K 3 people congregated at mealtimes. Where did you
12 have these meals?

13 A. At the kitchen of Office K 3.

14 Q. And who ate at the K 3 kitchen, everybody, Mr. Khieu Samphan
15 and yourself included, or did people eat separately from each
16 other depending on their rank and function?

17 A. They ate separately. They had their separate kitchen. And as
18 for me, I had a different place to eat.

19 Q. Did you know Khieu Samphan's wife and did you ever see her in
20 K 3 at that time?

21 A. Yes, I did. I saw her there.

22 Q. What was her job in K 3?

23 A. She was a cook preparing meals for others.

24 [09.50.25]

25 Q. Did you take your meals in her kitchen?

1 A. No, I didn't.

2 Q. So who did you eat with in those days?

3 A. We had a separate kitchen. I ate with other people. There were
4 around 10, 20 people, we ate together, but separately.

5 Q. So you ate together but separately. Can you tell us who the 10
6 people were who you ate with and what their jobs were?

7 A. I am afraid I cannot elaborate because we worked - our nature
8 of work was different and I did not know them very well either.

9 Q. Where did Mr. Khieu Samphan eat, if you can remember that?

10 A. There was a kitchen, a separate kitchen for him.

11 [09.52.22]

12 Q. I'd like to come back to your statement, E3/385. In French the
13 ERN is 00702544; in Khmer, 00357211; and in English, 00360128.

14 And just to refresh your memory, I'd to read a piece out from
15 this statement to make sure we're talking about the same thing.

16 The question by the investigator is the penultimate question on
17 the French version: "Was there a meeting hall", asks the

18 investigator, "at the K 3 Office, which was the place where the
19 leaders met?" And your answer was: "There was no meeting hall

20 there and I never saw those leaders having a joint meeting, but
21 there was a dining hall with a long table."

22 So I'd like to ask you if this place that you describe in your
23 statement was the place where Mr. Khieu Samphan took his meals.

24 A. Yes, you are right.

25 Q. Staying with K 3 for the moment, you also told us that there

17

1 were other people whose names you have forgotten and who were
2 working in that office, which was a pretty large one as you
3 describe it. Can you remember who was in charge of K 3?

4 A. Yes, I recall.

5 [09.55.00]

6 Q. May we be enlightened?

7 A. Samy was in charge of this office.

8 Q. Was he your superior in K 3 since he was head of that office,
9 or were you in fact responsible to somebody else?

10 A. Back then I was under the supervision of Mr. Samy.

11 Q. In K 3 - well you told us a moment ago when I re read that
12 description you gave of Khieu Samphan's house you said that it
13 wasn't an office. So now, can you tell us if you know what duties
14 Mr. Khieu Samphan fulfilled in those days?

15 A. I only knew it through a radio broadcast that he was the
16 president of a State Presidium.

17 [09.56.55]

18 Q. And to be a little more specific, you, who were working for
19 him for quite a few months, what did he actually do, what were
20 his duties?

21 A. As for the nature of his work, I did not know that much. I
22 only drove for him. I only dropped him at his workplace; I did
23 not know what he did. And from the place where he worked and the
24 place where I was waiting for him was about 50 to 100 metres away
25 from his place so I did not know that much.

18

1 Q. Can you tell the Chamber where you took Mr. Khieu Samphan? I
2 am first of all keen to know about the trip to Phnom Penh with
3 him. First of all, did you have to go on many trips when you were
4 working for him?

5 A. We only - I only drove him to K 1 occasionally. It was
6 somewhere near the Royal Palace and the former National Assembly
7 premise.

8 Q. And when he went to K 1, do you recall for how long he stayed
9 there -- that is, at K 1?

10 A. I don't remember exactly the period of time he would stay
11 there, but sometimes he would be there for half an hour or one
12 hour before he returned.

13 [09.59.32]

14 Q. And do you know whether during that period while you were
15 working for him you went somewhere else apart from K 1?

16 A. I don't remember all of this because it was a long time ago.

17 Q. Do you remember going outside of Phnom Penh with Mr. Khieu
18 Samphan?

19 A. Yes, I do, on some occasions.

20 Q. Do you recall how many times, to be more precise?

21 A. Very occasionally, maybe once or twice.

22 Q. I would like to quote from your statement before the Co
23 Investigating Judges, to the document, E3/185. The ERN in French
24 is 00702546; and the ERN in Khmer is 00357212, and it continues
25 onto the next page; and the ERN in English is 00360130.

19

1 With the President's leave -- and this is a general request I am
2 making when I quote from the witness's statement -- may I request
3 that it be placed on the screen?

4 [10.01.55]

5 So this is a passage I would like to read out to you, and it is
6 in French, your answer to the fourth question, and the question
7 put to you at the time was as follows: "What did Khieu Samphan's
8 work consist of?"

9 And this is your response: "I never saw him go to a worksite or
10 to inspect the building of a dam or the digging of a canal. He
11 went to Kandal province once and to Takeo province once. I have
12 the impression he did not have much work to do. I knew that he
13 was the President of the State Presidium, because I had heard
14 that information on the radio, and over loudspeakers."

15 My first question to you, Witness, in light of your statement, to
16 refresh your memory, the two times you referred to a while ago in
17 answer to my question, do they have to do with the trip to Kandal
18 and the other trip to Takeo? Does this refresh your memory?

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

20 [10.03.24]

21 Q. I would also like to refer you to another passage from your
22 statement. The ERN in French is 00702545; and the ERN in Khmer is
23 00357212; and in English, it is 00360129.

24 In French, it is the last but one answer, that's the last
25 paragraph. And this is the question that was put to you by the

20

1 investigator at the time after you had described the trips on
2 which you went with Mr. Khieu Samphan. He asked you - and I
3 quote:

4 "Apart from that, where else did you drive him?"

5 Your answer: I took him to visit the surroundings of Phnom Penh,
6 but he did not alight from the car. He merely looked outside and
7 he went to K 3 Office. He asked me to take him to Kandal province
8 once to inspect floods, but he didn't go there to see anyone; he
9 merely inspected the place. He had asked me to go to Takeo
10 province once to inspect a dam, but since the car could not go on
11 the road which was non motorable, we turned back and we went to
12 visit my home in Takeo province. Apart from that, he never
13 ordered me to visit canal building sites or a dam construction
14 site. He neither went to security centres. He did not go to
15 security centres either."

16 [10.05.41]

17 Does this refresh your memory, and are these the only trips on
18 which you went at the time with Mr. Khieu Samphan?

19 A. Although I do not remember precisely but the accounts reflect
20 my memory now that -- the occasions, the two occasions that I
21 brought him there - I drove him there. And on one occasion, we
22 couldn't go further because the car didn't allow us to go
23 further, we had to return.

24 Q. I would like you to specify to be more specific in your
25 statement. When you said: "I took him to visit the surroundings

21

1 of Phnom Penh," what do you mean exactly? Do you mean that you
2 were outside of Phnom Penh or you were inside Phnom Penh; can you
3 be more specific? That is when you said in your statement that he
4 merely looked outside and returned to K-3 office. Do you recall
5 whether such visits were inside Phnom Penh or outside of Phnom
6 Penh?

7 A. The visits were within the vicinity of Phnom Penh. It's just
8 within the 10 kilometres - square kilometres of the vicinity of
9 Phnom Penh.

10 [10.07.45]

11 Q. And you stated that he remained sitting in the vehicle; is
12 that correct?

13 A. Yes, it is. He didn't leave the car.

14 Q. And how often did you go on such visits?

15 A. It was very seldom.

16 Q. Another point I would like also to talk about regarding Mr.
17 Khieu Samphan's duties at the time is this: Do you recall whether
18 he received foreign visitors during the period when you worked
19 for him?

20 A. No, I don't. I don't remember having seen him receiving any
21 VIP visitors and I was rather young at that time; I was about 15
22 or 16 years old.

23 [10.09.30]

24 Q. Yes, Witness, I ask this question because these events
25 occurred a long time ago and that is why I am trying to refresh

22

1 your memory.

2 In light of your statement to the Co-Investigating Judges, the
3 document is E3/385 and the ERN in French is 00702548; and the ERN
4 in Khmer is 00357215; and the ERN in English is 00360132; I am
5 particularly interested in your fourth response.

6 And the question put to you on that occasion was as follows: "Who
7 visited Khieu Samphan?"

8 And your answer was as follows: "He received visitors
9 approximately two or three times. There were diplomats for
10 instance, who came to tender their Letters of Credence and he met
11 them at the Royal Palace. These meetings lasted only about half
12 an hour."

13 My question to you is as follows: Having read out your statement
14 to you, is your memory refreshed now and do you recall driving
15 Mr. Khieu Samphan two or three times to receive Letters of
16 Credence from foreign diplomats?

17 A. Yes, with that statement, it refreshes my memory and I took
18 him there to receive them. Yes.

19 [10.11.55]

20 Q. Generally speaking, apart from the few trips to K-1 and the
21 two trips to the provinces you referred to -- that is, to Kandal
22 and Takeo and the receipt of Letters of Credence, do you recall
23 any other activities carried out by Mr. Khieu Samphan during the
24 period when you worked for him?

25 A. I don't remember having seen him performing other tasks.

1 Q. On the same page that I have just cited -- that is, 00702548;
2 in Khmer it is 00357214; and in English is 00360132; the
3 following question was put to you by the investigator when you
4 were interviewed on that day:

5 Question: "Do you think Khieu Samphan is someone powerful?"

6 And this was your response: "My answer is no because I have the
7 impression that you had - he did not have a lot of work to do. He
8 spent most of the time in Phnom Penh."

9 My question to you is as follows: Is this impression that he did
10 not have a lot of work to do still in line with what you recall?
11 Does it still correspond to what you remember?

12 A. Yes, it does.

13 [10.14.15]

14 Q. During the period when you worked for Mr. Khieu Samphan, do
15 you recall accompanying him to meetings? By meetings, I mean
16 public meetings; big meetings?

17 A. I remember having driven him to the stadium on one occasion
18 only.

19 Q. Is that the Olympic Stadium in Phnom Penh?

20 A. Yes, it is.

21 Q. Do you recall on what date that meeting was held and what was
22 its purpose?

23 A. I don't remember the date of the meeting and I do not know the
24 objective of the meeting because I was not within the vicinity
25 where the meeting was held.

1 Q. Do I take it then that you did not attend that meeting?

2 A. As a driver, I was not obliged to attend the meeting and I had
3 no right to attend such meeting either.

4 [10.16.30]

5 Q. I would like to read out another passage from your statement
6 and it is 00 - E3/385; the ERN in French is 00702545; and the ERN
7 in Khmer is 00357211, and it continues onto the next page; and
8 the ERN in English is 00360129. And this was a question that was
9 put to you at the time:

10 "When you became Khieu Samphan's driver, where did you take him
11 to?"

12 And your answer is as follows: "In 1978, I accompanied Khieu
13 Samphan to the Olympic Stadium to take part in a major meeting
14 attended by cadres and workers. Khieu Samphan, Nuon Chea and Pol
15 Pot attended that meeting, but I did not see Son Sen."

16 My question to you is as follows: In light of your answer, I have
17 the impression that you attended that major meeting without fully
18 participating in it. Did you see the participants at that
19 meeting?

20 A. I only saw them from the outside and I heard their names being
21 pronounced on the loud speaker because at that time I was at the
22 car after dropping Mr. Khieu Samphan.

23 [10.18.38]

24 Q. Their names were announced by loud speaker; do you know
25 whether Mr. Khieu Samphan made a statement on that day? Did he

25

1 speak at that meeting?

2 A. No, I don't remember having heard him saying anything during
3 that day.

4 Q. Do you recall who presided over that big meeting?

5 A. I believe it was Pol Pot who presided over that meeting.

6 Q. Thank you for this clarification.

7 Apart from that meeting at the Olympic Stadium, do you recall
8 accompanying him to another meeting?

9 A. I don't remember this. Even in my statement before the
10 investigators, I could not recollect all the detail.

11 [10.20.30]

12 Q. Which is very understandable, Witness, because those events
13 occurred a long time ago. I just want to refresh your memory and
14 I'll read out another passage from your statement and it is still
15 E3/385. The ERN in French is 00702546; and the ERN in Khmer is
16 00357213; and the ERN in English is 00360130.

17 And in French, this is the third question and answer before the
18 end and the question put to you on that day was as follows: "To
19 which meeting did you drive Mr. Khieu Samphan?"

20 And your answer was in 2009 was: "I took Khieu Samphan to big
21 meetings twice; once to the Olympic Stadium and once to the
22 former Assembly. At the meeting at the former Assembly, I saw
23 many cadres from the regions. I knew them because I had seen some
24 of them and the bodyguards and drivers of these cadres talked to
25 me about them."

26

1 My question to you is as follows: Do you recall this second
2 meeting and did you attend it?

3 A. I think the question is rather repetitive and I already made
4 myself clear, as a driver I had no authority to be part in the
5 meeting, either it small or big. So I would say no I didn't
6 attend this meeting.

7 [10.22.40]

8 Q. Yes, at times my questions may sound repetitive, but I'm
9 trying to obtain clarifications from you and I need to obtain
10 this clarification since your statements are before the Chamber
11 and I crave your indulgence if you find my questions repetitive.
12 So let me press on then. Do you know Office 870 or did you know
13 Office 870?

14 A. I have heard of it. I don't know where it was situated.

15 Q. And do you know who was in charge of that person without
16 having been there yourself?

17 A. I have heard that a person by the name of Pang was in charge
18 of Office 870.

19 Q. And do you know up until when he performed duties at that
20 office as head?

21 A. I don't know. I don't know whether he was transferred to
22 another place as well, but the only thing I know is that I have
23 heard someone by the name of Pang who was in charge of that
24 office.

25 [10.24.55]

1 Q. Do you know a person by the name of Ken?

2 A. Yes, I do.

3 Q. Do you know what duties he performed?

4 A. Although I know him, but I don't know what he - what duties he
5 performed.

6 Q. I would like to cite a passage from your statement, E3/385;
7 the ERN in French is 00702545; and the ERN in Khmer is 00357214;
8 and in English, it is 00360130.

9 And the question put to you at the time by the investigator was
10 as follows: "After Pang's arrest, who took over from him?"

11 And your answer was as follows: "The person called Ken came to
12 replace him. His wife is still alive, but I do not know where she
13 lives."

14 My question to you is as follows: Do you now recall now that I
15 have refreshed your memory whether at the time, Ken replaced
16 Pang?

17 A. Yes, with that, I now remember it was Ken who came to take
18 over from Pang and I didn't say so at the beginning because I did
19 not remember this; now I remember, that's all.

20 [10.27.32]

21 Q. And Witness, do you know a person by the name Tha Sot?

22 A. Yes, I do.

23 Q. Can you tell the Chamber what his duties were?

24 A. I don't know what Tha Sot was doing, but I knew of him. I just
25 don't know what he did.

28

1 [10.28.30]

2 Q. Do you know whether he worked at K-12 like yourself?

3 A. Yes, Tha Sot, as far as I remember, worked at K-12 and he
4 belonged to the drivers' group and he asked us to help clean the
5 places.

6 MR. PRESIDENT:

7 Counsel and Mr. Witness, it is now appropriate moment already for
8 adjournment. The Chamber will adjourn for 20 minutes.

9 Court officer is now directed to assist the witness during this
10 adjournment and have him brought into the courtroom by 10 to
11 11.00.

12 The Court is adjourned.

13 (Court recesses from 1029H to 1052H)

14 MR. PRESIDENT:

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

16 Now, we would like to hand over to counsels for Mr. Khieu Samphan
17 to continue putting questions to the witness. You may proceed.

18 BY MS. GUISSÉ:

19 Q. Thank you, Mr. President. Good morning once again, Mr.

20 Witness. I'm going to continue my questioning this morning. We
21 were talking about Tha Sot before the break and I'd like for a
22 brief instant to come back to Pang who we also spoke about. At
23 the 2009 interview, the investigator referred to the arrest of
24 Pang. Do you know anything about Pang's disappearance?

25 MR. LENG CHHOEUNG:

1 A. No, I don't, but we heard from another that Pang was removed.

2 [10.54.35]

3 Q. Did you know Pang's driver?

4 A. I don't remember having known him to have any driver at all.

5 Perhaps no, he doesn't even have a driver.

6 Q. I'm asking you this question, Witness, because there is a
7 statement by Tha Sot on file, Tha Sot who you knew had worked in
8 K-12 and in document E3/464, ERN in French is 00503947; in Khmer,
9 00357 - no, I correct myself, 00204741; and the ERN is 00226109
10 (phonetic) in English. And on that page, this is the second major
11 response by Sot almost at the end of the paragraph and in that
12 text which I'd like to put up in Khmer on the screen with the
13 permission of the President.

14 [10.56.55]

15 Here is what Tha Sot says about Pang's disappearance:

16 "One day, Pang's driver told me that he was dead. He was killed
17 by highway bandits when he was going to pick up some merchandise,
18 small motors of Korean boats in Kampong Som, he was killed
19 somewhere between Srae Ambel and Veal Renh in 1976, Ken alias Lin
20 replaced Pang."

21 I'd like to ask you if you've heard that account of the
22 circumstances in which Pang was killed or is this the first time
23 you've come across this?

24 A. This is the first time I heard about it.

25 Q. Thank you for this clarification. Let us now talk about K-3

30

1 and your work for Khieu Samphan. During that period, did Khieu
2 Samphan have a bodyguard and if yes, do you remember his name?

3 A. Yes, I do remember that he had a bodyguard by the name of
4 Soeun.

5 [10.5.05]

6 Q. Are you sure of that name or you maybe mixing it up with
7 someone else's name?

8 A. No, I do not mix it up with other name because I know that
9 Soeun died in -- after 1979. He was the person who was his
10 bodyguard.

11 Q. My first question to you regarding Soeun is as follows: Was he
12 with Mr. Khieu Samphan all the times he travelled; you talked
13 about your trips to K-1, Kandal and Takeo. Did that bodyguard
14 always accompany Mr. Khieu Samphan on those trips?

15 A. (Recording malfunction)

16 Q. Apparently we haven't heard your response. In any case your
17 response didn't come through. Could you please repeat your
18 answer?

19 A. Yes, Soeun had accompanied him all along.

20 [11.00.55]

21 Q. I would like you to clarify something regarding Soeun because
22 in the French translation of your statement in my possession,
23 there is one point I don't quite understand and I would like you
24 to be more specific; and it is your statement E3/385; ERN in
25 French is 00702549, that is the ERN; and in Khmer, it is

31

1 00357215; and the ERN in English is 00360132. And this is a
2 question that was put to you and I crave your indulgence in
3 advance for my poor Khmer pronunciation and it is the second
4 question on that page in French. The question was:

5 "Do you know Chhun; Sam, Khieu Samphan's bodyguard; Soen; Torn;
6 Sarith; Thorn; Van and Khan?"

7 And your answer to this question was as follows: "I do not know
8 Chhun. I saw Soen, Khieu Samphan's bodyguard, I did not know. As
9 for Soeun, I didn't know him. Torn is dead. I did not know Sarith
10 either."

11 The part that is of interest to me is Soeun. I want to be sure
12 that we are talking about the same person; that is why I am
13 seeking your clarification. In this answer we understand that you
14 did not know Soeun. Is Soeun the same person you have just
15 referred to as Khieu Samphan's bodyguard?

16 [11.03.10]

17 MR. PRESIDENT:

18 Witness, could you please hold on.

19 International Co-Prosecutor, you may now proceed.

20 MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President. I wouldn't like to interrupt my learned
22 friend, but there may well be a problem with the spelling in
23 French. On this issue, Soeun is spelled as S-o-a-n, and if we
24 look at other statements by the witness on page 4 in French,
25 English and in Khmer, reference is made to another person, Soeun,

1 spelled S-o-e-u-n. Of course, the witness can clarify this
2 matter, but it appears that even in the French translation there
3 is a discrepancy in the spelling of that person's name.

4 MS. GUISSÉ:

5 That is precisely why I am asking the witness to clarify this
6 matter because he is the person who is best placed to clarify
7 this issue before this Chamber.

8 [11.04.22]

9 MR. LENG CHHOEUNG:

10 A. I do not know a person by the name of Soan, but I do know a
11 person by the name of Soeun because I used to live with him.

12 BY MS. GUISSÉ:

13 Q. And when you state that you lived with him, was that at K-3?

14 A. Yes, it is correct. I stayed in K-3 with him.

15 Q. Still with regard to K-3, you stated during your interview
16 with the OCIJ investigators regarding Khieu Samphan's duties. A
17 while ago, I asked you whether you recall seeing Mr. Khieu
18 Samphan carry out other duties. Perhaps the following passage
19 will refresh your memory and it is still document E3/385; 00 --
20 and the ERN in French is 00702546; and the ERN in Khmer is
21 00357213; and in English, it is 00360130. And this was the
22 question that was put to you.

23 [11.06.45]

24 "Do you know whether Khieu Samphan carried out other duties?"

25 And your - and your answer -- beg your pardon -- was as follows:

1 "One day, I saw someone bring a letter to Khieu Samphan in K-3,
2 to ask him to sign a materials delivery voucher. I saw that
3 person leave again with the letter to receive the materials at
4 the state warehouse on the banks of the river. I don't know the
5 person who came to deliver the material. Apart from that, I did
6 not see anyone else come to request delivery of materials or
7 equipment." End of quote.

8 My first question has to do with security at K-3. Could just
9 about anybody enter the premises of K-3? You stated that it was a
10 large - premises were large, and there were about 30 buildings.
11 Was it possible to gain access to K-3 without advance
12 authorization? Or you had to go through certain administrative
13 procedures to do so?

14 [11.08.10]

15 A. I'm afraid I don't know whether people had to have this
16 authorization before they gained access to the place, but I was
17 allowed to enter the premises without any problem. But I'd never
18 known whether such paperwork were ever produced for permission.

19 Q. Second question: Do you recall that person's visit, in line
20 with the delivery of the equipment? Does that refresh your
21 memory?

22 A. I still remember the event, but I do not remember exactly the
23 name of that individual. It was more than 30 years ago. I'm
24 afraid I don't remember him now. I think he came to ask for a
25 letter or something.

1 Q. Thank you for this clarification, which is to the best of your
2 recollection. Another point I'd like to take up with you is as
3 follows: Do you know a person by the name Norng Sophang alias
4 Phang? I crave your indulgence for my accent. Sophang is spelled
5 as follows; S-o-p-h-a-n-g and the alias Phang is P-h-a-n-g. This
6 is for the purpose of interpretation.

7 A. I know the person by the name of Phang.

8 [11.10.28]

9 Q. Are we agreed that it is not the same Phang whose name was
10 referred to a while ago, and who was at Office 870? Is this
11 another person? Forgive me for seeking this clarification,
12 because the way the name is pronounced in French doesn't allow us
13 to make this distinction.

14 A. I think you are asking whether Phang or Pang were different
15 people. Indeed, they were two people.

16 Q. Perfect. So, Phang - P-h-a-n-g - is someone else. What were
17 his duties during the Democratic Kampuchea regime? What office
18 did he hold during the Democratic Kampuchea regime?

19 A. I am afraid I cannot answer this question, because indeed when
20 we had meals we would have them together, but I did not know what
21 he was doing apart from that.

22 Q. Did you know the Sothearos Primary School, located not far
23 from K-1?

24 A. I don't know this school.

25 [11.12.35]

35

1 Q. First of all, I just want us to clarify this point - whether
2 we're talking of Norng Sophang. Does the name Norng Sophang ring
3 a bell to you? Or it is only the name Phang, P-h-a-n-g, which
4 means anything to you?

5 A. Norng Sophang doesn't ring any bell, but Phang does.

6 Q. And you stated that the Phang you have referred to is someone
7 whose duties you did not know; is that correct?

8 A. Yes, it is. And I already indicated that I knew him only
9 because I had meals together with him.

10 Q. Very well. Just one last point with regard to Norng Sophang:
11 Norng Sophang came to testify before this Chamber during the
12 hearing of the 5th of September 2012. He was the head of the
13 office in charge of telegrams. Does that ring a bell, or you
14 truly do not know what it is all about, or who this person is?

15 A. Yes, that rings a bell, and I knew that he worked at the
16 telegram section. I don't know which part of telegram section he
17 belonged to.

18 [11.14.55]

19 Q. So, at the hearing of the 5th of September 2012, and the
20 record has the following reference - E3/1212 - so that was after
21 2.20 p.m. Norng Sophang said the following:

22 "My office was in the Sothearos Primary School, and the office of
23 the leaders was at K-1." In the same record, he adds a little
24 later that the distance from his office to K-1 was approximately
25 1 kilometre.

1 Do you recall ever seeing that office in which Norng Sophang was
2 working? Does that refresh your memory?

3 A. I believe that the person by the name of Phang that I knew was
4 the one who stayed and worked with us at K-3, and don't know any
5 other person by the same name working elsewhere.

6 [11.16.27]

7 Q. I ask the question because Norng Sophang did not say he was
8 working at K-3. That is why I'm asking you whether there was
9 another service at K-3 in which you think Phang or Sophang
10 worked.

11 A. I'm afraid I don't know this, because I was too young to
12 remember everything like this. Even in my record of interview, I
13 did not emphasize whether I knew Phang to have any different or
14 other tasks. I just knew him.

15 Q. However, how about you, yourself, Witness? Did you ever work
16 with the Phang in question, and did you ever visit the office in
17 which he was working, or at least his place of work?

18 A. There was no such office. He stayed at a house, where I would
19 pass, but I never dropped by to visit him in the house.

20 Q. So, should I take it then that you did not know what was
21 inside the house in which he worked? Is that your evidence?

22 A. Yes, it is correct. I only walked passed his house when I went
23 for meals. And I just did not know what he did.

24 [11.18.45]

25 Q. In your statement given to the OCIJ investigators; and the

1 page is the same as the previous page - previous question - the
2 ERN in French is 00702546; and the ERN in Khmer is 00357213; and
3 the ERN in English is 00360130. And this is the question that was
4 put to you by the Investigators:

5 "When you were Khieu Samphan's driver, did you deliver letters?"

6 And your answer is as follows: "No, I never did. I once took a
7 letter from Phang, and handed it to Khieu Samphan when Khieu
8 Samphan was resting, but I did not know the contents of the
9 letter. I also once took a letter from Phang to the K-1 Office,
10 but I did not know the content of that letter." End of quote.

11 My question to you is as follows: Apart from both events, did you
12 ever deliver letters meant for Phang or Khieu Samphan?

13 [11.20.40]

14 A. We did not - I did not deliver letters to him, but I remember
15 having received letters from Phang instead. Or maybe I forget,
16 because it's been a long time already.

17 Q. Be that as it may, do you nevertheless confirm that those
18 letters were delivered only once while you were in the service of
19 Khieu Samphan?

20 A. I'm afraid I don't remember how many times the letter could
21 have been delivered. Letters would be sent to me, and they're
22 meant to be kept for him, but I just don't remember how many
23 times.

24 Q. In your statement to the investigators, you referred to one
25 occasion. Do you know whether there were other occasions, or that

1 was the only time you delivered letters? And, again, my questions
2 are meant to jog your memory. If you cannot remember anything, I
3 wouldn't want you to invent anything. These questions are very
4 specific, and if you do not recall anything I do not expect you
5 to extrapolate on them.

6 A. I don't remember this very well.

7 [11.22.45]

8 Q. Very well. I would like us to move on to another period, and
9 that is at the end of your assignment to work for Mr. Khieu
10 Samphan. That is the time that you fled from Cambodia.

11 A while ago, you stated that your assignment ended at the time
12 when you fled from the advancing Vietnamese in January 1979. Do
13 you remember the exact date on which you left Phnom Penh?

14 A. I don't remember.

15 Q. Now, without recalling the exact date, do you recall the
16 conditions under which you fled? The circumstances of your
17 flight? Was that in the morning, or in the evening?

18 A. It was at night.

19 Q. Do you recall what happened during the day before your
20 departure? Do you remember what arrangements were made, prior to
21 your departure?

22 A. There was no proper arrangement. I just had to depart at
23 night, without bringing along with me any luggage.

24 [11.24.57]

25 Q. Did you leave alone?

1 A. I left with Mr. Khieu Samphan when I was driving, and he was
2 the passenger.

3 Q. And do you know where Mr. Khieu Samphan's wife was, since you
4 stated that she also worked at K-3?

5 A. She didn't join our trip. I only went with Mr. Khieu Samphan
6 and Soeun. His wife could have fled by different means.

7 Q. Do you recall whether, during the day before your flight, you
8 met with Khieu Samphan's wife? Did you see him (sic) on that day,
9 to the best of your recollection?

10 A. I only saw her from a distance, but never dropped by to say
11 hello.

12 [11.26.45]

13 Q. I put these questions to you, Witness, because Ms. Socheat --
14 Khieu Samphan's wife -- testified before this Chamber on the 10th
15 of June 2013, and shortly after 3:44 p.m., she stated that, on
16 the day they fled from Phnom Penh, Mr. Khieu Samphan - and, in
17 principle, you yourself - allegedly took them to the railway
18 station to catch the train. Do you recall this episode, or it
19 doesn't remind you of anything?

20 A. I don't remember this, even if you have tried to refresh my
21 memory. I think I still don't recollect having heard or known
22 anything about this.

23 Q. Do you recall whether you spent the day of your departure -
24 that is, the 6th of January - well, I don't want to refer to any
25 date, because you can't remember it. Do you recall spending the

40

1 day of your departure with Mr. Khieu Samphan, or you only saw him
2 at the end of the day?

3 A. I was at my home, which was not far from him. So, whenever he
4 would need me, then he just would call and I would be heard
5 easily.

6 [11.29. 05]

7 Q. Witness, in the French interpretation, we did not understand
8 the last part of your response. Let me ask my question again, so
9 that you may clarify further.

10 On the day you left Phnom Penh, did you spend the day with Khieu
11 Samphan or not? Or you only saw him in the evening, at the time
12 of your departure from Phnom Penh?

13 A. Yes, during the daytime I was near him. I mean, staying at a
14 house that was close to him. And at night then we would leave
15 together - depart together.

16 Q. When you say you were with him, close to the house where he
17 was, do you mean that you were in the house where you were living
18 at the time, which was some 10 metres from Khieu Samphan's own
19 house? Is that what you're saying?

20 A. Yes, that is correct. We - my house was quite close to his.

21 Q. Do you know whether, on that day, Mr. Khieu Samphan left with
22 or without you? Do you recall that?

23 A. He did not go anywhere without a driver, and I was the only
24 driver at that time for him.

25 [11.31.16]

41

1 Q. Very well. Let us talk about this point. In the morning of
2 your departure, did you drive Mr. Khieu Samphan to a meeting? Do
3 you recall that?

4 A. I am afraid I do not recall that, even. Apparently, I did not
5 go anywhere on that day. We stayed at home on the day.

6 Q. I would like us to talk about the eve of your departure from
7 Phnom Penh -- that is, the day before your departure. Do you
8 remember driving Khieu Samphan to a meeting at Borei Keila?

9 A. No, I didn't. On the eve of our flee (sic) of the city, we did
10 not go over there.

11 Q. I refer to this matter, Witness, because two witnesses
12 testifying before this Chamber - and these are witnesses Sim Hao,
13 who testified on the 13th of June 2013, and witness Ruos Suy, who
14 testified on the 25th of April 2013 - both of these witnesses
15 gave a description of meeting, dated the 5th of January 1979 -
16 even though their descriptions are at variance with one another.
17 That is, on the eve of your departure.

18 [11.33.50]

19 Do you recall driving Mr. Khieu Samphan to that meeting or to any
20 such meeting?

21 A. No, I never drove him there, to the best of my recollection.

22 Q. This was recorded slightly after 14.26 by the witness Ruos Suy
23 on the 25th of April 2013, slightly after 11.35.

24 Once again, I'd like to quote your interview with the OCIJ
25 investigators in document 3/385; 00702548 in French; In Khmer,

42

1 the ERN is 00357215; and in English, 00360132.

2 And you're asked: "When did you drive Khieu Samphan to flee from
3 Phnom Penh?"

4 And you answered: "On the 6th of January 1979, I drove Khieu
5 Samphan out of Phnom Penh at around 7 p.m., and we rested in
6 Pursat. Khieu Samphan met Pol Pot and Nuon Chea at the provincial
7 hall of Pursat. After that, I drove Khieu Samphan to Battambang
8 and Pailin. I was separated from him in April 1979." End of
9 quote.

10 [11.36.25]

11 My first question on this is: In this declaration, you refer to
12 the 6th of January 1979. So does that help to refresh your memory
13 a little bit, or do you maintain that you no longer remember the
14 date, which is entirely conceivable?

15 Thank you.

16 A. Yes, it refreshes my memory. I did say so in that statement,
17 and I stand by it. It was actually on the night of the 6th of
18 April 1979. And I still maintain my statement.

19 Q. In the French that I heard, I heard the 6th of April 1979, so
20 I am going to ask the witness if he could repeat the dates, so
21 I'm sure that I get it correct.

22 A. It was on the 6th of January 1979. We left at around 7 o'clock
23 in the evening.

24 [11.37.51]

25 Q. Thank you for that detail. One last point; because you were

1 with Mr. Khieu Samphan during those months when you were his
2 driver, and - can you give us a brief feeling of how he behaved
3 towards you and what sort of character he had?

4 A. Yes, I can. He was very - a gentleman. He was very kind. I
5 stayed with him for a short period of time, but I observed that
6 he was gentle, kind-hearted. He never went anywhere to manage
7 anything. I only heard through radio broadcasts that he was the
8 president of State Presidium. But he did not hold any supervisory
9 role. When I was young, I did not know what that role entailed,
10 but when I became an adult, I heard that the president of State
11 Presidium was someone who actually managed the whole country. But
12 at that time, I observed that he did not have any power or
13 authority. And then when I became an adult later on, I found out
14 that, even though he was in the top position in the country - but
15 he was under the control of the Communist Party of Kampuchea.
16 That's what I thought to myself.

17 [11.39.23]

18 He did not own much property. I stayed with him. I knew that he
19 was living within his moderate means. If the Court does not
20 believe, you can go and see his house in the countryside. He did
21 not have any property - any significant property - and when I was
22 staying with him, he did not have much things in life either, and
23 I only noticed that he was kind-hearted. He was gentle. He was a
24 respectable person. To me, actually, as far as I am concerned, I
25 find him respectable. And for me, at least, I had a great respect

1 for him. Thank you.

2 MS. GUISSÉ:

3 Thank you, Mr. Witness.

4 Mr. President, I have completed my questions. There is a further
5 15 minutes which may, of course, be attributed to Mr. Koppe if he
6 wishes to avail himself of them for Mr. Nuon Chea's defence.

7 MR. PRESIDENT:

8 Thank you.

9 Next, I hand over the floor to the Prosecution to put questions
10 to the witness.

11 Please, hold on. Judge Lavergne has a few questions to put to the
12 witness. You may proceed, Judge.

13 And, Mr. Prosecutor, please hold on. Let us hear questions from
14 Judge Jean-Marc Lavergne first. You may proceed, Judge.

15 [11.41.28]

16 QUESTIONING BY JUDGE LAVERGNE:

17 Q. Thank you, Mr. President. Good morning, Witness, I am Judge
18 Lavergne. No, it's me, here; opposite you. And I have a very few
19 questions to ask you.

20 This morning, you were asked to tell us about the house that
21 Khieu Samphan lived in, in K-3. This remains a little hazy for
22 me. Did you, or did you not, ever visit the interior of the house
23 that Khieu Samphan was occupying?

24 MR. LENG CHHOEUNG:

25 A. For the house Mr. Khieu Samphan was residing at that time, I

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1 did not go inside the house to do the clean-up or things like
2 that, because I was a driver. My sole duty was to drive him from
3 time to time.

4 [11.42.43]

5 Q. Because, on the one hand, we've heard you talking about
6 certain things that there were in the house. You said that there
7 was no office there. You said that there was a telephone. You
8 described certain articles of furniture in the house. So can you
9 please tell us how, despite the fact that you have never visited
10 the house, you can tell us what there is inside it?

11 A. Yes, I can enlighten you, Your Honour. Looking from outside,
12 we saw the mirror window, and we could also see from outside,
13 because it was transparent, the door - I actually saw stuff
14 inside the house, but I did not actually enter into the house
15 myself.

16 Q. Another question; you said that, on some rare occasions, you
17 drove Khieu Samphan outside Phnom Penh. As you said, within the
18 environs of Phnom Penh, and you also drove Khieu Samphan inside
19 Phnom Penh. When you were driving Khieu Samphan, did you have to
20 have special authorization? Were there any checks? Did you have
21 to specify who was in the car and where you were going?

22 [11.45.07]

23 A. That I did not know. I actually did not know where he was
24 heading for. I listened to his instructions. Even the driver
25 themselves did not know where each leader was going on the day,

1 unless they were told so.

2 Q. I'm going to ask that question again; were you ever stopped
3 and checked? Were you asked to produce authorizations to go in
4 certain places? When you left Phnom Penh, were you required to
5 have authorization to do so?

6 A. No. At that time, I did not need to have any authorization
7 letter or so. There was nobody to check us. Nobody asked for such
8 a letter.

9 [11.46.22]

10 Q. Very good. Let me ask you another question; you described the
11 car that was used by Mr. Khieu Samphan. Can you tell us if that
12 vehicle, and the vehicles used by other leaders as well, had
13 number plates?

14 A. That I did not observe. But for his vehicle he used, I think
15 that the person who opened the door for him would recognize that.
16 But what I observed in general was that the number plate or any
17 part of the car was not actually concealed or so.

18 Q. I'm not sure everything got through in the interpretation, but
19 can you tell me if the vehicle that Mr. Khieu Samphan used had a
20 registration plate? I'm not asking if that registration plate was
21 concealed or visible; I just want to know if it had one.

22 A. Your Honour, I do not recall whether or not there was a number
23 plate. I just do not recall. I was very young. And I did not pay
24 attention to it, and to date I may have already forgotten it.

25 [11.48.25]

47

1 Q. Did you see other vehicles that did have registration plates,
2 or did you never see whether or not there were registration
3 plates on the cars that were used during Democratic Kampuchea?

4 A. That I did not observe. At that time, I was too young. It was
5 until today that I realized that the car bears number plates, but
6 at that time I just did not pay attention to it.

7 Q. A witness who came to speak in this Court recently told us
8 about a vehicle that had a registration plate, on which M-870 was
9 written in red. Does that bring anything to mind for you?

10 A. I cannot recall. I did not even know whether or not the car
11 bore any registration plate at that time. I was merely driving
12 the car at that time, without paying attention to the number
13 plate.

14 JUDGE LAVERGNE:

15 I haven't got any more questions to ask this witness, Mr.
16 President. Thank you.

17 MS. GUISSÉ:

18 Excuse me. For the requirements of the transcription, the witness
19 that Judge Lavergne has referred to in his answer to Arthur
20 Vercken, my colleague - the witness said that the number plate
21 was M-70, rather than M-870. Thank you.

22 [11.50.52]

23 MR. PRESIDENT:

24 Thank you.

25 Now I hand over the floor to the Prosecution to put the question

1 to the witness.

2 QUESTIONING BY MR. CHAN DARARASMEY:

3 Q. Good morning, Mr. President. Good morning, Your Honours. Good
4 morning everyone in and around the courtroom. My name – good
5 morning, Mr. Leng Chhoeung. My name is Chan Dararasmey. I am the
6 representative of the Prosecution. I have a few questions to put
7 to you, and I am putting these questions on behalf of
8 Prosecution.

9 I would like you to clarify on the period between 1973 through
10 1976. So my question for you: At that time, you were 10 years
11 old; is that correct?

12 MR. LENG CHHOEUNG:

13 A. Yes, that is correct. I was 10.

14 [11.51.55]

15 Q. At the time you decided to join the Revolution, did you do it
16 on your own, or you were introduced by your parents or anybody
17 else in this Revolution?

18 A. I decided on my own. My – actually, my parents tried to stop
19 me as well at that time, but I did not listen to them.

20 Q. What was the reason behind your decision to join Revolution at
21 the time?

22 A. There was a village chief – a village chief came to our school
23 -- our village school. At that time, the school was not a school,
24 actually. We studied under somebody's house. And then the village
25 chief asked us whether or not we were interested in joining the

1 Revolution. Everyone raised their hand, so we joined them
2 together. I, myself, decided to join the Revolution. My parents
3 actually asked me not to come, but I decided on my own to join
4 the Revolution.

5 [11.53.15]

6 Q. At the time, to your recollection, what did the village chief
7 tell you in order to induce you to Revolution?

8 A. They lured us into Revolution, but I did not recall the words
9 they used with us. I, at that time, decided to join because when
10 I was in school I raised hands - raised my hands with others, so
11 I had to go and join them.

12 Q. Did any of your biological siblings join this Revolution as
13 well, at the time?

14 A. No, they did not join. I was alone to join this Revolution
15 back then.

16 Q. When they liberated Tram Khnar in the Southwest Zone, how was
17 it liberated? And when was it liberated?

18 A. Tram Khnar was liberated by the Democratic Kampuchea forces.
19 They fought their way along that direction, and then they
20 successfully liberated it in 1973. I do not recall the exact
21 months. And then, following its liberation, I was sent to Tram
22 Khnar.

23 [11.55.01]

24 Q. When the liberation force entered Tram Khnar, do you recall
25 what the forces told the people over there? Or do you still

1 recall any words used by the victorious forces to the people at
2 the time?

3 A. Following liberation, we did not see people. People had been
4 evacuated long before that. I only saw my squad – I was in the
5 children's squad, and the women's squad was responsible for
6 transportation. I did not see civilians over there.

7 Q. When you were in the revolutionary children's squad in 1973,
8 '74, up until 1976, what was the main task of the children's
9 squad? And what was your role, really, in this squad?

10 A. Back then, I built dykes, dig canals, and build dams in Tram
11 Khnar.

12 [11.56.35]

13 Q. At that time, you were very young. You were around 10 or 11
14 years of age. And Angkar made you work as – you know, a group;
15 dig canals or build dykes as you described. Did you protest of
16 this hard work, because this was child labour. You worked very
17 hard at a young age. Did you protest, or did any of your team
18 members protested this order? Could you please repeat your
19 answer?

20 A. No. At that time, nobody forced us, actually, to do this job.
21 Those who were sick, they could stay back, and those who were in
22 good health – they went out to the field and worked.

23 Q. Thank you. Can you tell the Court why they needed to use child
24 labour to do such hard work? What was the reason behind Angkar's
25 decision to make use of child labour? Why were you, at the very

1 young age - had to work that hard?

2 A. At that time, I did not know. Whatever they asked me to do, I
3 had to do it. I did not know whether or not it was a forced child
4 labour, or so. I did not realize that that was the case, you
5 know. And children in my squad were on the same page as well.
6 They did not know that they were actually being forced to do.
7 They only had a plan for us to achieve our work quota, and then
8 we went out to the field and worked. Nobody realized that that
9 was a form of abuse or so.

10 [11.58.32]

11 Q. When those children were working, were there any measure -- or
12 disciplinary measures imposed on the team? Now, for example, if
13 they failed to meet their quota required - whether or not there
14 was any disciplinary measure or sanction against them?

15 A. No, at that time there was no specific sanctions or
16 punishment, and nobody forced us to do the job. I only -
17 actually, I only knew the squad where I worked. I could not
18 comment on the work conditions in other places, because I had
19 never been there. Of course, I heard that they had to follow the
20 discipline of Angkar. But there was only one thing that I found
21 that it was - force. During the meeting, we had to complete our
22 work assignment.

23 Nobody was free to do whatever they want. We had to comply with
24 the order. If anyone failed to do the job that they were assigned
25 to, then there could have been any sanctions. But, for myself, I

1 did not know that there was any sanction or punishment or so. And
2 of course, at that time, I was very young. I may not have
3 understood the work very well, and I did not understand what was
4 - constituted child labour.

5 [12.00.10]

6 Q. Thank you. At that time, children were segregated. They were
7 put to live differently from their parents. Is that true, that
8 children were separated from their parents? And was that a kind
9 of blanket policy?

10 A. I don't know about this, but personally I volunteered to work.
11 But I can't speak on behalf of others.

12 Q. Thank you. When you were separated from your parents, and when
13 you joined the revolutionary children's unit, how did you feel?

14 A. Sometimes, I missed my hometown and parents very much - that I
15 had to cry out loud. But I had no other choice, other than being
16 involved in the meetings and work.

17 [12.01.26]

18 Q. You said you dedicated to joining - promoting the cause of the
19 Revolution. But, after 1979, were you sorry for what the Khmer
20 Rouge - or were you sorry about what Khmer Rouge had done to you?

21 A. I think - I feel normal because, at that time, I was very
22 young, and respecting the organizational discipline was just
23 normal. Everyone had to respect - follow such discipline. It's
24 normal.

25 Q. Thank you. During the Khmer Rouge regime, did you attend

1 education sessions or meetings where political matters would be
2 discussed? And who would chair such meetings or sessions?

3 A. I never attended any significant study sessions in the child
4 mobile unit. Other adults would be asked to join such meetings,
5 but not young children like me at the time.

6 MR. CHAN DARARASMEY:

7 Mr. President, I look at the clock, and perhaps it is now
8 appropriate time for adjournment. I do have some more questions.

9 [12.03.18]

10 MR. PRESIDENT:

11 Thank you.

12 It is now appropriate time for lunch adjournment. The Chamber
13 will adjourn until 1.30 p.m.

14 Court officer is now directed to assist the witness and his duty
15 counsel during the adjournment, to make sure that they can be
16 brought to a place where they can have their lunch. And also have
17 them returned to the courtroom by 1.30 p.m.

18 And security personnel are now directed to bring Mr. Khieu
19 Samphan to his holding cell downstairs and have him returned to
20 the courtroom before the next session resumes.

21 The Court is adjourned.

22 (Court recesses 1204H to 1332H)

23 MR. PRESIDENT:

24 Please be seated. The Court is now back in session, and we would
25 like to now hand over to the Co-Prosecutor to put questions to

1 the witness. You may proceed.

2 BY MR. CHAN DARARASMEY:

3 Good afternoon, again, Mr. President, and Your Honours, and good
4 afternoon everyone.

5 I have a few more questions for Mr. Leng Chhoeung.

6 Mr. Leng Chhoeung, I have a few more questions, please, before I
7 hand over to my colleague to continue putting questions.

8 [13.33.20]

9 Q. You said before we left off that you attended political study
10 sessions during the Khmer Rouge period. What kind of topics or
11 subjects of discussion in the study session you obtained please?

12 MR. LENG CHHOEUGNG:

13 A. The education sessions were not significant. They were more or
14 less the session convened to disseminate some information among
15 our groups.

16 Q. Thank you. Were you also instructed on any other matters other
17 than this?

18 A. I don't remember. It was a long time ago.

19 Q. During the Khmer Rouge regime you may have heard the
20 expressions the Khmer Rouge may have used, for example, the
21 feudalism, the capitalist, or the imperialists, or the
22 intellectuals, etc. Did you ever hear these words being said or
23 used during the period?

24 A. I believe I have heard such terms used.

25 [13.35.15]

1 Q. Can you tell the Chamber the meanings of these terms used by
2 the Khmer Rouge to the people during that specific period of
3 time?

4 A. I don't remember what would be the meanings of such words
5 being used.

6 Q. I have some questions regarding the event after 1976, indeed,
7 by the time - for the time you approached Phnom Penh and worked
8 at K-12. When did you start working at K-12?

9 A. I started working at K-12 in 1976, but I don't remember the
10 exact month.

11 Q. Thank you. What did you do at K-12?

12 A. I was young and I was tasked with cleaning the houses and the
13 - the vicinity.

14 [13.36.49]

15 Q. Can you tell the Chamber the purpose of K-12? According to
16 your observation, what was K-12 meant to be or what actually was
17 the objective of having K-12?

18 A. I don't know, but I noted that the adults would be tasked with
19 driving the vehicles and I was young, so I would be asked only to
20 clean the houses.

21 Q. Regarding the young people and the adults, mainly, what did
22 they do?

23 A. Regarding the adults, they drove cars for others.

24 Q. Thank you. Are you aware of the organizational structure of
25 K-12 or are you able to tell the Chamber if you know whether such

1 structure exists?

2 A. I don't know. I was too young to know who would be the
3 president of the office and who would be the subordinates because
4 as a young boy, I would only care for the work I was assigned to
5 do.

6 Q. Do you know Ta Meal and who is he?

7 A. Yes, I do; I know him, and he was the head of the office.

8 Q. Was he the head of K-12 office or other offices?

9 A. Ta Meal was the head of K-12 office.

10 [13.39.28]

11 Q. Who was his deputy or did K-12 have a lot of deputy chiefs?

12 A. I don't know whether K-12 had any deputy chief or chiefs.

13 Q. Do you know Saroeun and Yang who were the cadres at that time?

14 A. No, I don't know these people.

15 Q. Thank you. Can you recollect what happened to Ta Meal?

16 A. I'm afraid I don't know. First, I was too young at that time.
17 Secondly, I just know nothing about this.

18 Q. If you recollect the event that happened in 1978, can you
19 please tell the Chamber who disappeared among the cadres you
20 worked close and, in particular, in 1978?

21 A. I don't know anyone who disappeared.

22 [13.41.47]

23 Q. Mr. Chhoeung and with Mr. Presidents' leave, I would like to
24 read this statement to you and I am referring to your document -
25 the same document as already referred to by counsel for the

1 Accused.

2 MR. PRESIDENT:

3 Can you indicate the ERN numbers to the parties to the
4 proceedings and it would be also helpful for the record if you
5 can read them out?

6 MR. CHAN DARARASMEY:

7 Mr. President, thank you. This document is E3/385; in French,
8 00702543; and in English, 00360127; and in Khmer, 00357210.

9 Q. In that document, you said that you were sent to K-12 office
10 where you were tasked with cleaning the place and you said you
11 knew it was K-12 because other people who were your – who told
12 you about the existence of the place. And that Ta Meal was the
13 head of the office who was removed or taken away for execution in
14 1978. And you said you remained at K-12 and that you also had to,
15 you know, co-drive the vehicle. Is that correct?

16 [13.43.53]

17 MR. LENG CHHOEUGNG:

18 A. This is the statement I made; however, Ta Meal was arrested
19 after I had already taken the driving task for Mr. Khieu Samphan.
20 That happened at a later stage, I mean, when Ta Meal was
21 executed.

22 Q. Regarding Mr. Saroeun, can you recall whether you know or
23 still remember what happened to him?

24 A. I don't remember this person's name.

25 Q. Do you know Thon?

1 A. I don't know. I don't remember.

2 Q. Thank you. What about another person by the name of Phea at
3 K-12 as well?

4 A. I don't remember this person.

5 [13.45.21]

6 Q. Do you know Sot?

7 A. Yes, I do. Sot was the one who instructed me and let me in
8 cleaning the place and after that he went somewhere that I never
9 know where he had gone to.

10 Q. Was Mr. Sot, a driver like you were?

11 A. Yes, he was the driver, but at that time, he also instructed
12 me to clean the vicinity and, later on, he taught me how to drive
13 the car. So I later on became the driver.

14 So I was asked some question and I perhaps did not give my clear
15 answer regarding the sequence of the event.

16 Q. Did Mr. Sot continue to be the driver?

17 A. Sot continued to be driver.

18 Q. Who did he drive for?

19 A. I think he drove the car for Mr. Nuon Chea.

20 [13.47.09]

21 Q. As the driver, were you offered other tasks as a bodyguard for
22 the person you had driven the car for or, in other words, did you
23 hold these two functions at the same time, a driver and a
24 bodyguard for the same person?

25 A. To respond to your question, I may put it simply like this: A

1 driver is a driver. A bodyguard is a bodyguard. These two people
2 would never be the same persons.

3 Q. Thank you.

4 I would like to move to the event of April 1978. I would like to
5 know about your staying at the K office and your work driving the
6 vehicle for Mr. Khieu Samphan. You already stated that you drove
7 for him, but my question to you is: Did you continue to be his
8 driver all the time, consecutively, or did you at any point in
9 time stopped being the driver and resumed other tasks?

10 A. I continued being the driver for Mr. Khieu Samphan all the way
11 to 1979.

12 [13.49.05]

13 Q. Thank you. During the course of your work as the driver for
14 Mr. Khieu Samphan, did you engage in any conversation with him
15 and if so, what did he say to you and what you remember about
16 this?

17 A. We did not engage in any serious conversation, but he did only
18 ask me, for example, he would tell me where he would be going and
19 where he would want me to bring him back; that's all.

20 Q. Thank you. During the course of your trip driving Mr. Khieu
21 Samphan to different places, did you also see him meeting Nuon
22 Chea or other Khmer Rouge leaders? If so, did you remember what
23 they could have said to one another?

24 A. As the driver, I did not know where he met or rather whom he
25 met, but it is possible that at times when, for example, after he

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1 met with some people, I would see the drivers of those people, so
2 I could identify who he met by way of knowing who the drivers
3 were driven for.

4 Q. Thank you. When did you return to K-12 office and why did you
5 come back?

6 A. I'm afraid I don't understand your question. Why you ask me
7 that I returned to K-12?

8 [13.51.31]

9 Q. Thank you for asking for clarification. Now, my question is:
10 After 1978 or April 1978, did you remain in K-12 or did you work
11 elsewhere?

12 A. I think perhaps I need to go back a little bit. By 1976, I
13 moved to the technical school, the Khmer Soviet Technical School.
14 After that I went to K-12 office, the child mobile - or child
15 unit and after I could drive the car, then I was asked to go to
16 K-3, so these events happened separately. So after about April
17 1978 or something, if I remember correctly, I left K-12 and then
18 I still continue driving for Mr. Khieu Samphan until the date
19 when we climbed the mountain on the run and then we departed or
20 we parted our ways in 1979.

21 Q. Thank you. At K-12, after Ta Meal was removed, what was your
22 observation regarding the situation at K-12 office at that time?

23 [13.53.13]

24 A. I did not know that Ta Meal was arrested because I already
25 left for K-3 where I stayed with Mr. Khieu Samphan and I worked

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1 for him. I only heard about this event at a later date and I
2 heard from other people.

3 Q. Thank you. When Mr. Khieu Samphan was absent; in other words,
4 when he was not in the country, what did you do and with whom did
5 you work? I am saying about Mr. Khieu Samphan being away from
6 Cambodia. Indeed, it is practically that you would not be able to
7 drive for him because he was not there, so during this time when
8 he was not inside the country, where did you work and what did
9 you do?

10 A. From the time I stayed with him, I don't remember having seen
11 him going somewhere outside of the country until 1979, but
12 perhaps this may be wrong or rather the situation may change
13 after 1979. Before that, he never left the country. And I would
14 be there. If I did not drive, I would be asked to plant some
15 morning glory.

16 [13.54.49]

17 Q. When international delegations visiting the Democratic
18 Kampuchea regime, did you often take him to receive these
19 delegations or not or if you did not drive him to receive them,
20 did other people drive him there?

21 MR. PRESIDENT:

22 Witness, please hold on.

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

24 MR. KONG SAM ONN:

25 Thank you, Mr. President.

1 I believe that the question lastly put by the Co-Prosecutor is
2 rather repetitive because the witness said already that he was
3 the only driver for Mr. Khieu Samphan; no other drivers would
4 drive for him.

5 MR. CHAN DARARASMEY:

6 Mr. President, I was asking this question because during the
7 Democratic Kampuchea regime other delegations would be coming to
8 visit the country and then Mr. Khieu Samphan could have met these
9 people, so it may be possible that at times his driver would be
10 absent or would not be able to drive him and then other drivers
11 would be asked to drive him.

12 [13.56.17]

13 MR. PRESIDENT:

14 The objection is not sustained. Witness is now directed to
15 respond.

16 MR. LENG CHHOEUNG:

17 A. After working at - or after I moved to K-3, I do not know
18 whether other people would be his drivers; that's not to my
19 knowledge. So from April 1978 onwards, he did not receive any
20 foreign visitors and before that he could have received some
21 senior delegation because I heard this information broadcast on
22 radios, but during my time working as his driver, I never
23 remember him - seeing him receive any other senior visiting
24 guests.

25 BY MR. CHAN DARARASMEY:

1 Q. Thank you.

2 I move to the next question. Do you know Vorn Vet?

3 A. Yes, I do. I saw him. Vorn Vet is Vorn Vet and that's the same
4 person I believe I know.

5 [13.58.57]

6 Q. What did he do or can you remember what his functions were and
7 where did he live?

8 A. I don't know where he lived, but Vorn Vet was a popular name.
9 He was the Deputy Prime Minister in charge of commerce and we
10 heard this on radio broadcasts.

11 Q. What happened after - what happened to Vorn Vet or, in other
12 words, can you tell the Chamber what happened to Vorn Vet and
13 what did other cadres do to him to make him end up like that?

14 A. I don't know anything about the work of the cadres at that
15 time. I was a very young boy. I think I would remember this in
16 detail if I was older than I was at that time.

17 Q. Thank you.

18 Did you ever meet with Pol Pot, Ta Mok, or Son Sen? If so, did
19 these three people ever come to K-13? I may wish to correct this.

20 It's K-3, not K-13. Did they ever come to K-3? If so, did they
21 come to this office more often?

22 [14.00.05]

23 A. I think I rarely see them or rarely saw them and I never saw
24 Son Sen's vehicle, but Vorn Vet would come to the office once in
25 a while.

1 Q. How about Pot Pot, did Pol Pot ever visit the place?

2 A. No, I never saw him, but I saw his car over there.

3 Q. Thank you. Since I do not have more time to put you more
4 question on this issue, I would like to, you know, now put only
5 three more question for you.

6 When you were living in the Democratic Kampuchea period, do you
7 recall any words of the Khmer Rouge? Whether – when you were
8 driving the car or you were living somewhere, did you recall what
9 the Khmer Rouge leader tell the people in general? In other
10 words, do you recall the Khmer Rouge leader talk anything about,
11 for example, the policy of the Khmer Rouge in general?

12 [14.01.37]

13 A. I am afraid I do not recall anything specific. At that time, I
14 was very young.

15 Q. Thank you. Can you enlighten the Court further? This morning
16 you told the Court that Mr. Khieu Samphan is a respectable
17 person. He was a gentle, honest, and kind-hearted person. What
18 are the basis for your judgment that Mr. Khieu Samphan was of the
19 character you described this morning?

20 A. As I said, I find him respectable for myself. As far as I am
21 concerned and based on my experience working with him, he was a
22 gentle and kind-hearted person, so I respect him and I can only
23 speak for myself that I respected him.

24 Q. When you were in the Democratic Kampuchea period, you stayed
25 with him and you also came across this regime, the entire period

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1 of the Democratic Kampuchea, by yourself, so according to your
2 personal experience, what was the hardship that you witness and
3 people – the Cambodian people had to endure at that time? Can you
4 please enlighten the Court what you heard, what you witness of
5 the hardship that people had to go through? Please, tell the
6 Court what you witness by yourself during that period?

7 [14.03.38]

8 MR. PRESIDENT:

9 Witness, please hold on.

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

12 MR. KONG SAM ONN:

13 Thank you, Mr. President.

14 I would like to object to this question because this question
15 invites the witness to summarize his statement and the prosecutor
16 even made mention that this particular witness was a main actor,
17 a person who witness firsthand the account or the event during
18 the Democratic Kampuchea. This suggests the assumption on the
19 part of the prosecutor that this witness understood everything;
20 every event of the regime, so I would like Mr. President to
21 direct the prosecutor to put a more precise question if this
22 witness is to answer any question of this nature.

23 [14.04.40]

24 MR. CHAN DARARASMEY:

25 Mr. President, may I try to clarify this? I said that this

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1 particular witness is a main actor simply because he was the one
2 who stayed with Mr. Khieu Samphan and he is now being the witness
3 of the Chamber who is testifying before the Court. If he is not
4 an important witness, he must not have been summoned to this
5 Court.

6 So once again, when I say he is an important person to testify
7 here, I am not saying that he is an important person who played
8 an important role during the Democratic Kampuchea period. He is
9 important in our context now because he was the one who witness
10 the activity; the situation that happened around where he worked,
11 so he can enlighten the Court to the extent that he knew and what
12 he witness. Particularly, he was a driver for Mr. Khieu Samphan,
13 so he is in the- a better position than anybody else to tell the
14 character of Mr. Khieu Samphan and other leaders whom he came to
15 know.

16 [14.06.00]

17 And when I said that he knew the event during the Democratic
18 Kampuchea, I am not making an assumption that he knew everything
19 from the regime. I know that there is a limitation to someone's
20 knowledge of an event and the person only - this person only knew
21 what happened at the place where he worked, where he lived, and
22 the context where he was operating at that time.

23 So he only knew what he had experienced, what he came across in
24 life, so he can enlighten the Court to this effect in order to
25 assist the Court in ascertaining the truth and for this reason, I

1 would like to ask Mr. President to allow this witness to respond
2 to my question.

3 MR. PRESIDENT:

4 Witness, you may respond to the question, but you may respond to
5 only the first half of the question. As for the second half of
6 the question, this elicits the assumption on the part of the
7 witness because he would not be able to enlighten on the Court as
8 to how the Cambodian people, in general, perceived the situation.
9 He is not here as an expert, so he may not be able to opine on
10 this issue.

11 [14.07.33]

12 Mr. Prosecutor, you should need to put the last question to the
13 witness and you should refrain from using main actor or principal
14 actor. You can only refer to this witness as witness, and make
15 sure that the question should not elicit the assumption on the
16 part of the witness because even if you ask the witness to
17 observe something or express his observation on something, this
18 is actually an elicitation of the witness opinions and you are
19 asking this witness to opine on the view of Cambodian people
20 during the Democratic Kampuchea period.

21 [14.08.21]

22 BY MR. CHAN DARARASMEY:

23 Q. Mr. Witness, can you please enlighten the Court on your
24 general observation of what you witness, what you heard; the
25 event that you came to know? Did you witness the difficulty, the

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1 hardship, for yourself as well as the people around your area
2 during the Democratic Kampuchea period?

3 MR. LENG CHHOEUNG:

4 A. Well, I think I can answer to this question, but if you ask me
5 and as you suggested in your last question to me, I could not
6 elaborate because I was very young at that time, but as for me,
7 my observation at that time, I was very young. There was no
8 operation. There was no force. I - nobody force me to worked. I
9 live ordinary life at that time; there was nothing difficult.

10 Q. I have no further questions, Mr. Witness, and I thank you very
11 much for answering my questions. I am sure that your testimony
12 will contribute to ascertaining the truth.

13 And with your leave, Mr. President, I would like to cede the
14 floor to my international colleague.

15 [14.09.59]

16 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

17 Q. Thank you, Mr. President. Good afternoon, Your Honours. Good
18 afternoon to the parties and to the witness.

19 I will be asking you questions until this afternoon's break and
20 obviously the time this takes will depend on how concise your
21 answers are. My name is Vincent de Wilde and I represent the
22 prosecutor's office as well.

23 My first question is: Have you already seen Khieu Samphan before
24 the time when you went to K-3? For example, did you see Khieu
25 Samphan in K-12?

1 MR. LENG CHHOEUNG:

2 A. No, I never saw him before that.

3 [14.10.59]

4 Q. Thank you. I'll come back quickly to K-12. You talked about Ta
5 Meal a moment ago. I want to submit document E3/858, please,
6 which is also IS18.56. This document has a list of the personnel
7 of K-12 that I would like the witness to look at to see if he can
8 identify certain individuals. With your assistance, Mr.
9 President, I would also like to put up on the screen page 6 in
10 Khmer, IRN (sic) 00021158 and in French, it's page 11 of the
11 document in 00643490 and in English, it's page 9 of the document;
12 ERN 00391733.

13 MR. PRESIDENT:

14 Mr. Prosecutor, please identify the document number again because
15 it did not come through the interpretation.

16 MR. DE WILDE D'ESTMAEL:

17 The document code is E3/858 - E3/858 and the relevant pages are
18 the sixth page of the document in Khmer; 00021158, eleventh page
19 in French, and page 9 in English.

20 MR. PRESIDENT:

21 You may proceed.

22 And Court officer is now instructed to obtain the hard-copy
23 document from the prosecutor and hand it over to the witness.

24 [14.13.19]

25 BY MR. DE WILDE D'ESTMAEL:

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1 Q. Under the heading "K-12 Office: Vehicle Driving Service",
2 there are a certain number of names and the first in the list is
3 Meal and it said that he's in charge of the K-12 office. Is this
4 the person that you pointed out just now?

5 MR. LENG CHHOEUNG:

6 A. Yes, at K-12, I knew Ta Meal.

7 Q. There are a certain number of other names; seven that we have
8 already spoken about, but just to refresh your memory, there's
9 Saroeun who's the assistant head of K-12; there's Yang, number
10 three, who is in charge of vehicles in the guest service. There's
11 Thon - T-h-o-n, who is in charge of the car repair shop. There's
12 Phea who is shown in the dynamo winding section. There's Ret who
13 is guest vehicle driver and then Aun who's a vehicle mechanic at
14 K-12. Did you know anyone of those seven people in the document?

15 [14.15.01]

16 A. I do not seem to know all of them because it has been many
17 year. I cannot recall.

18 Q. All right. I will come back to the document later for other
19 sections concerning K-1 and K-3, but right now, I'd like you to
20 look at another document which is E3/1953.

21 It's a prisoner list interrogated in 1978 in May in S-21 and
22 there's a name on it that I want to show to you under the title
23 of "Minister S-70". In Khmer, it's page 1, Mr. President, ERN
24 00039917 - 0003 etc. In English, it's page 00233843 and in
25 French, it's page 1, 00874783.

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1 With your permission, Mr. President, I would also like to display
2 this document on the screen and to give the witness a copy of it
3 so that he can identify one person.

4 MR. PRESIDENT:

5 You may proceed.

6 Court officer, please obtain a hard-copy document from the
7 prosecutor and hand it over to the witness.

8 [14.17.04]

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. It's the name that is underlined in yellow on your document,
11 Mr. Witness, on the first page. It says "San Sroeun, alias Meal:
12 Head of the K-12 driving office" and then later, "Date of Arrest:
13 8th of May 1978". When you identified Mr. Meal on the other
14 document just before, are we talking about the same name; the man
15 you recognized as being the head of K-12 for whom you worked?

16 MR. LENG CHHOEUNG:

17 A. I only knew Meal and that Meal was the Chairman of K-12, but
18 if you refer to the months that Meal was arrested, it was a bit
19 different because I had already left K-12 and he was arrested
20 later on, so I did not know anything about the arrest.

21 Q. Thank you. There is one element I want to insist on here. On
22 the two documents that I showed you, the name of Meal appears
23 under the heading, "Ministry or Office S-71". Have you heard of
24 Office S-71 or, rather, did you hear of it when you were in K-12
25 and subsequently in K-3?

1 [14.18.56]

2 A. I did not know about Office S-21, but I knew that Meal was the
3 Chairman of K-12 and I don't know whether or not he assume any
4 other position elsewhere.

5 Q. Thank you. I was talking about S-71. In the translation, I
6 heard S-21, but just reassure me that your answer did concern
7 S-71 and not S-21. Please, Witness, could you quickly repeat
8 that?

9 A. I knew a man by the name of Meal. I knew that he was Chairman
10 of K-12 and I did not know whether or not he assume any position
11 at S-71.

12 Q. Thank you.

13 Earlier, the Khieu Samphan defence quoted Mr. Tha Sot's interview
14 record; that's E3/464 - E3/464, and I would like briefly to quote
15 an excerpt from that without necessarily having to show you the
16 entire record. In English, it's on page 5. In French, it's page 5
17 and in Khmer, it's also page 5 going on to page 6.

18 [14.20.50]

19 This is a comment that Tha Sot is making about Pang and the K
20 offices and it says that Pang was responsible for all of the K
21 offices such as K-1, K-2, K-3, K-4, K-7, and K-12. And lower
22 down, I quote: "Pang received the orders from all of the senior
23 generals such as Pol Pot, Ieng Sary, Khieu Samphan, and Nuon Chea
24 depending on each one's specialties."

25 And lower down: "Pang would see Khieu Samphan in K-3 and Khieu

1 Samphan went to see Pang in K-7."

2 Witness, can you tell us if you ever took Khieu Samphan to K-7
3 when you were working for him?

4 [14.22.03]

5 A. I think I never took him to that place, but I might have miss
6 it out. I did not know about Pang who was in the supervisory role
7 of these offices. I did not know. It was only now that you
8 mention it, I learned about it.

9 Q. Have you ever seen Pang coming to K-3; if you had information
10 about that or if you saw his car?

11 A. No, I never saw him come to K-3 or I might have forgotten, I
12 cannot recall. But to my recollection, he never, never saw him at
13 K-3.

14 And concerning the question asked me whether or not I saw Pang
15 come to K-3, I said I never saw him.

16 Q. I'd now like to come back to your statement to the
17 Investigating Judges in E3/385 on page 7 in each one of the three
18 languages. Thank you.

19 And I don't think that the witness has actually received a copy
20 of the Khmer version of this, Mr. President, and didn't get it
21 when he was being questioned by the Defence, so perhaps, if you
22 see no objection to this, it will be a good idea to give him a
23 copy.

24 [14.24.12]

25 MR. PRESIDENT:

1 The document is actually on his desk.

2 Duty counsel, can you assist him then?

3 BY MR. DE WILDE D'ESTMAEL:

4 Q. All right. Let me simply quote on page 7 in the middle in

5 French:

6 "I was frightened after I heard about the disappearance of Ta

7 Meal and Pang and when I heard there was successive transfers and

8 disappearances of people."

9 Apart from Meal and Pang, what other transfers and disappearances

10 are you talking about here? Had you been told that other cadres

11 in the regime disappeared or were arrested while you were in K-3?

12 [14.25.22]

13 MR. LENG CHHOEUNG:

14 A. After hearing that, I actually went to work with Mr. Khieu

15 Samphan. I, myself, was rather afraid myself, but I was very

16 young at that time. I did not know what to do after all. But as

17 you read out in the statement concerning mistreatment against me,

18 I never receive any treatment and I heard about arrest of this

19 people and that people. I was rather scared for myself, but that

20 - I had nothing. I could do nothing about it because I was very

21 young.

22 Q. Thank you.

23 I'd like to ask you a few questions now about things that we have

24 already brought up before this Chamber with the wife of Mr. Khieu

25 Samphan.

1 Mr. Witness, could you tell us if, in K-3, you had enough to eat?

2 A. At K-3, I was near the kitchens. I had enough to eat. We did
3 not have plentiful food to eat, but just enough to eat every day.

4 Q. So, for example, you did have enough rice?

5 A. Yes, I did. Enough. But I did not have different dishes. I had
6 only one dish, one kind of food. I ate it, to my content, anyway.

7 [14.27.44]

8 Q. And what about the leaders? Did they receive the same kind of
9 meals as yourself? Because, as you told us, the kitchens were
10 separated.

11 A. I never was near to that kitchen. I was far from it, and I
12 don't know his affairs.

13 Q. Just now, you said that on arriving in the centre, you saw the
14 leaders who resided in different houses there. Nuon Chea, Khieu
15 Samphan – Ms. So Socheat, who came here on the 12th of June said
16 at 09.33 and 18 seconds, and this is a question that was being
17 put to her – said that:

18 "Did the seniors leave K-3 in 1979 and leave you behind with your
19 husband", and she said "yes". And, to summarize, Khieu Samphan's
20 wife said that in 1976 there were – she was there in Khieu
21 Samphan, but there weren't other leaders in K-3. And in your
22 statement to the Investigating Judges, you said that when you
23 came in 1978 Nuon Chea and Ieng Sary still had houses in K-3. So,
24 do you confirm having seen Nuon Chea and Ieng Sary in that place,
25 in their houses?

1 [14.29.53]

2 A. They had different homes. I cannot fully confirm that they
3 would only stay in one place for a long period of time, but they
4 did have a house at K-3. I just don't know whether they spent -
5 or they slept there every night.

6 Q. Thank you. A while ago, you stated that Soeun, Khieu Samphan's
7 bodyguard - and you were Khieu Samphan's driver - that the
8 bodyguard accompanied Khieu Samphan everywhere. During the
9 Hearing of the 10th of June, in the draft transcript at 15.39,
10 she stated in answer to the question; "When he left K-3, was he
11 accompanied by the bodyguard?" The answer was "no". I will now
12 read out to you a passage from your record of interview, E3/385.
13 And it is on page 4. You state:

14 "There was a certain Heun who drove Khieu Samphan", and later on
15 you said "he drove Ieng Sary instead". And then you said, "I know
16 Torn and he was Khieu Samphan's bodyguard. Later on, they
17 assigned Soeun to replace Torn. So, from April 1978, Khieu
18 Samphan had me as driver and Soeun as his bodyguard".

19 [14.31.51]

20 First of all, do you confirm that Soeun accompanied Khieu Samphan
21 everywhere? Or, before Soeun became the bodyguard of Khieu
22 Samphan, another bodyguard accompanied Khieu Samphan?

23 A. There was only one person by the name of Soeun who was his
24 bodyguard. I think Thon rings the bell, because later on
25 different people would be placed to replace the other, who left.

1 And once in a while I would meet him. I think he disappeared.

2 That's why his name did not ring the bell. But you already
3 refreshed my memory, and I now recollect his name.

4 Q. Yes, I will probably have to refresh your memory further,
5 Witness. And I will again refer to the document that I gave you a
6 while ago. And it is E3/858. It is a list of the staff members of
7 the K Office, and this list was drawn up at S-21, 1978. I will
8 refer to the first page in Khmer, and it is the document before
9 you. Page 2 in French and page 2 in English. And the heading is
10 "K-3 Office". It reads as follows, and it is at the end of the
11 page, as far as the French is concerned:

12 [14.33.58]

13 "First of all, Torn is Bong Hem's bodyguard. He came from "phum"
14 Thmei, Chey Saen, in Region 103. Hoeun is Bong Hem's bodyguard.
15 He is from region 103. And, thirdly, Soeun (phonetic) is Bong
16 Hem's bodyguard. He came from the Northeast Zone. He was from
17 Chak ethnic minority group." End of quote.

18 Are we talking of the same Soeun and Torn? Perhaps you can now
19 remember the person referred to as Hoeun you referred to before
20 the Co-Investigating Judges. Are these persons you referred to
21 when you were interviewed by the Investigators?

22 A. Yes. I am referring to Torn. Although I did not work at that
23 place when Torn was there, I just learned that Torn was working
24 at that place. And also there was another person, Heun, who was
25 another driver.

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1 Q. And the person called Soeun - and he's third in the excerpt I
2 read out to you - is that indeed the bodyguard who works for
3 Khieu Samphan at the time when you were Khieu Samphan's driver?

4 A. Yes, it is correct.

5 [14.35.50]

6 Q. Now, before the interruption, Mr. President, above the same
7 document, under the title "Office K-3", we have four names. We
8 have the name Toeung - and it is said that he was a bodyguard of
9 Number Two - I'll skip the details - and then you have Sot,
10 bodyguard of Om Number Two and Ran, bodyguard of Brother Number
11 Two. What can you say about these persons? You've already talked
12 about Sot. Did you meet Toeung, Dan, and Van (phonetic) during
13 the period when you worked for Khieu Samphan, since he was also a
14 bodyguard of Brother Number Two?

15 A. I don't remember them all, although some of the names may be
16 familiar. But I can say that I can't remember the clear picture
17 of this. Indeed, your try (sic) to refresh my memory, and it
18 helps, but I don't think I remember them all.

19 [14.37.31]

20 Q. Perhaps the very last question regarding K-1; may I request
21 you to look at what is written already - Office K - on the same
22 page. We have two names. We have Bong Lin, who is the person in
23 charge of K-1 and K-4 offices. And it is said that his wife, Sem
24 (phonetic), was from a sector of the North Zone. Secondly, Bong
25 Tan - it is said that he was the head of the K-1 office, and he

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1 came from the Northeast Zone. Did you hear those names when you
2 were working for Khieu Samphan at K-3? So, these are two persons
3 who worked at the K-1 office.

4 A. Yes, I am familiar with these two people.

5 MR. PRESIDENT:

6 Thank you, Mr. Co-Prosecutor, and thank you, Mr. Witness. It is
7 now appropriate time already for adjournment. The Chamber will
8 adjourn for 20 minutes. The next session will be resumed by 3
9 o'clock. Court Office is now directed to assist the witness and
10 his duty counsel during the adjournment and have them returned to
11 the courtroom by that time.

12 (Court recesses 1439H to 1500H)

13 MR. PRESIDENT:

14 Please be seated. The Court is back in session. I hand over the
15 floor to the Prosecution to resume his line of questioning. I
16 would like to remind the Prosecutor, however, that you should
17 reserve some time for the defence team for Mr. Nuon Chea to put
18 questions to this particular witness, if they wish to do so.

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President. The Nuon Chea Defence is signalling to
21 me that they don't need any time, unless they wish to contradict
22 me on that. So we can go until 4 o'clock with the Civil Party
23 lawyers, unless of course the Nuon Chea Defence decrees
24 otherwise.

25 Q. So, Mr. Witness, you said you recognized two names on that K-1

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1 staff list. We talked about Lin and Tan. Can you tell us if Bong
2 Lin was the same person as Ken that you mentioned a while ago, or
3 were these two different people.

4 [15.02.12]

5 MR. LENG CHHOEUNG:

6 A. Well, they were the same person. Lin and Ken was the same
7 person.

8 Q. Thank you. How did you know Bong Tan, who was head of K-1
9 office, when you were driving Khieu Samphan to K-1? Did you take
10 the Lambretta inside the compound of K-1, or did you stay
11 outside?

12 A. I stayed outside. Outside the premise of K-1. And I knew that
13 Tan was the chairman of K-1 office. I heard it from others.

14 Q. Thank you. Coming back to some points that were raised with
15 Mrs. So Socheat at the Hearing from the 10th to the 12th of June
16 last, one of the items concerned banquets that Khieu Samphan may
17 have attended. Mr. Chhoeung, did you ever drive Mr. Khieu Samphan
18 in the evening or by night, so that he could attend banquets or
19 cultural evenings in different places, like embassies, hotels,
20 state edifices, theatres, and so forth?

21 A. Well, I - to my recollection, I don't think that that happened
22 when I was working for him. He never met any friends or visited
23 anywhere far. I did not know that he had any party with anyone.

24 [15.04.32]

25 Q. Might it be possible that Khieu Samphan had gone with other

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1 leaders from K-3 to attend these evenings? In other words, go
2 along in Nuon Chea or Ieng Sary's vehicle and attend that kind of
3 soiree without you?

4 MR. PRESIDENT:

5 Witness, please hold on. Madame Counsel for Mr. Khieu Samphan,
6 you may proceed.

7 MS. GUISSÉ:

8 Thank you, Mr. President. An objection, if I may, to the way in
9 which that question put. "Might it be possible that...". I think it
10 would be better not to invite the witness to speculate, but
11 simply to ask him if he ever remembered days when Khieu Samphan
12 went with somebody else, rather than asking him to speculate.
13 It's the way this question is worded that I'm worded about.

14 BY MR. DE WILDE D'ESTMAEL:

15 Q. I will reword it. Mr. Witness, if you yourself did not drive
16 Khieu Samphan in the evening, was there anybody else who was
17 designated to do the driving when it had to be done in the
18 evening or by night?

19 MR. LENG CHHOEUNG:

20 A. At that time, he - as far as I can recall - he did not go
21 anywhere at night. And there was one driver dedicated to each
22 leader. And I was the only driver for him.

23 Q. Do you know if Khieu Samphan ever came back in Nuon Chea or
24 Ieng Sary's car? Did you ever see that?

25 A. As I have said many times already, I never saw it, at least

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1 during the period when I was working with him, approximately 7 or
2 8 months. I never saw it.

3 [15.07.28]

4 Q. Thank you. Just to reignite your memory, I might just mention
5 FBIS documents that refer to a certain number of banquets that
6 Khieu Samphan attended. FBIS transcriptions of radio broadcasts
7 made during Democratic Kampuchea. And just to ask you for your
8 reaction, on the 28th of May, 1978, there was a banquet for the
9 Romanian president, and in E3/1363, that's a FBIS broadcast,
10 00169785 is the ERN in English, and I don't have the ERNs in the
11 other languages. On the 23rd of July 1978, there was a banquet
12 given by the Egyptian ambassador, which is contained in E3/293 -
13 on the 25th of July, 1978. And there were other banquets for the
14 anniversary of the CPK. There was one for a Chinese delegation in
15 November. One given by the Yugoslav ambassador on the 28th of
16 November 1978. All of these are to be found in the FBIS
17 documents. Do you ever remember, for example, the visit of the
18 Romanian president at the end of May, 1978?

19 A. Yes, I do. But it took place in 1977 instead. At that time, I
20 was working at K-12, and I heard the broadcast about that news.
21 But at that time, I was still working at K-12. I was not yet
22 assigned to drive for Mr. Khieu Samphan.

23 [15.09.45]

24 Q. I just want to confirm that this is a document dating from
25 28th of May, 1978. You said just now that during Meal's arrest,

1 you had already left for K-3. And we saw a document that said the
2 Meal was arrested on the 8th of May, 1978. And you said that you
3 came to K-3 in April 1978. Can you confirm that, or do you now
4 believe you reached K-3 after the visit of the Romanian
5 president?

6 A. I do not recall it clearly, but to my recollection the
7 Romanian president visited Cambodia, and then after that period I
8 went to work as Mr. Khieu Samphan's driver.

9 Q. Several times in your interview record, you said you had heard
10 information on radio or on loudspeakers. That's the case in page
11 6 and on page 8. In K-3, did you have a radio, and were some of
12 the programs actually broadcast through loudspeakers?

13 [15.11.36]

14 A. Most of the time, we listened to the radio broadcasts. I could
15 only hear through the loudspeaker when I was driving along the
16 road, because in front of each ministry there was a loudspeaker -
17 an announcement on that loudspeaker. But most of the time, I
18 heard it over the radio broadcast.

19 Q. Did Khieu Samphan and his wife have their own radio in K-3?
20 Were you able to observe that?

21 A. I did not know about his wife. But as for Mr. Khieu Samphan,
22 he had a small hand-held radio for himself. But I did not know
23 which language he was listening to. But he did have a radio with
24 him to listen to.

25 Q. This morning, before the Defence finished their questions, you

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1 made a statement in which you said that if people didn't believe
2 what you are saying – that we could look at Khieu Samphan's house
3 in the countryside. Can you tell me if, after 1979–

4 MR. PRESIDENT:

5 Mr. Prosecutor, could you please repeat your last part of your
6 statement, because the interpretation did not come through.

7 [15.13.36]

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. Thank you. Before the Defence questions ended, you closed, Mr.
10 Witness, by saying that Khieu Samphan was a respectable man, and
11 that if anybody didn't believe you they could go and see the
12 house that he lived in, in the country. Now, could you tell us
13 if, after 1979, you had an opportunity to see Khieu Samphan's
14 house, and can you tell us where it was?

15 MR. LENG CHHOEUNG:

16 A. This morning, I did not say that he lived in the countryside
17 at that time, but I said he lived in a very modest means. And, as
18 I said, again and again, that I had respect for him. But that was
19 confined to me only. I am not over generalizing that Cambodian
20 people view him as a respectable person. I can only comment to my
21 personal experience. When I was living with him for a period of
22 around 8 months or so, I observed that he was a gentle – a very
23 kind person.

24 [15.15.00]

25 And I think that we have to make a clear distinction on this

1 issue, because I did not say that his house was in the
2 countryside. But he, at that time, lived in the city, but his way
3 of living was quite modest. And I find that his way of living was
4 respectable. He was a leader at that time, but at the end of the
5 day, he had nothing left. So I respected him for that. He did not
6 want to have things for himself as the leader at that time.

7 Q. I'd like to come back to Khieu Samphan's work, when you were
8 in his service, in 1978. And on page 4 of the record, in E3/385,
9 on page 4, you said that Khieu Samphan did not go out very often,
10 while Ieng Sary, on the other hand, had a good deal of work and
11 had to go out quite often. Later on, on page 8 of the same
12 document, you were asked, "Do you think Khieu Samphan was a
13 powerful person?", and you said, "I don't think so, because it
14 seemed that he did not have much work to do. Most of the time, he
15 stayed in Phnom Penh". End of quote.

16 [15.16.34]

17 Mr. Leng Chhoeung, you have given us a number of your impressions
18 to this hearing and to the investigators as well, but here we're
19 trying to establish facts, so let's attempt to do this together.
20 I know you were only 14 or 15 at the time and that it's no easy
21 task to recall all of this, but through your 14 or 15 year-olds
22 eyes would you say that it was necessary to leave K-3 quite often
23 to fulfil certain tasks?

24 A. Well, I do not really understand this question. I'm afraid I
25 do not get the thrust of your question.

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1 Q. Well, you said that Khieu Samphan didn't leave very often but
2 that, on the other hand, Ieng Sary had a lot of work and that
3 took him outside quite often. Now, can you tell us that when you
4 were working for Khieu Samphan, tell us if leaving K-3 often was
5 tantamount to having a lot of work to do?

6 A. Yes, that was my personal observation of that. Those who went
7 outside very often, this person had a lot of things to do, but
8 those who most of the time stayed at home must not have much
9 thing to do. That is my personal judgement on this.

10 [15.18.24]

11 Q. Earlier you said that you'd never been inside Khieu Samphan's
12 house. Do you agree with me in saying that you could not actually
13 know what Khieu Samphan was doing at home, if he was working or
14 not, or in an office in K-3?

15 A. Yes, indeed, I did not know because I was staying outside.

16 Q. So on page 4 of E3/385 you said that there wasn't a meeting
17 room in K-3 and you never saw the leaders getting together, but
18 that there was a dining hall with a long table. And just now you
19 said that the leaders ate in a different place to you and you
20 also told us that you were not entitled to attend the meetings of
21 the leaders.

22 [15.19.45]

23 So is it fair to say that in actual fact you could not say that
24 the leaders didn't have any meetings, for example during their
25 meals, or that they didn't meet in the refectory that you're

1 talking about? Do you agree that you didn't actually know if the
2 leaders were meeting or not?

3 A. You are right, I did not know. I did not know whether or not
4 they would gather in that place and when he actually also ate in
5 a different place as well, and if they gathered I did not know
6 the subject matter of their discussion either because I was not
7 involved.

8 Q. One witness who testified here called Pean Khean told us when
9 he appeared on 3 May 2012, Transcription E1/72.1 at about
10 ten-twenty, he said that: "As I saw it at the time, K-3 was a
11 place where the party leaders met, Om Pol, Om Hem, Om Nuon Chea,
12 Om Son Sen, all of whom met. I saw those people in K-3, I saw
13 them going in and coming out of the compound." End of quote.
14 Did you know Mr. Pean Khean, and do you agree with what he said
15 when he testified?

16 A. For Pean Khean statement I did not know, but according to my
17 personal experience I did not agree with his statement because he
18 said there was a meeting held over there, but during my entire
19 time at K-3 there was no such meeting over there at K-3.

20 [15.22.29]

21 Q. But, Mr. Witness, you've just told us that you agreed with me
22 that you didn't know whether or not there were meetings and that
23 you also didn't know what the subject matter of the meetings
24 were.

25 Let's change the subject, K-1. I'd like to read an extract from

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1 your testimony to the investigators because earlier you said that
2 when you drove Khieu Samphan around he sometimes stayed for one
3 hour or sometimes for half-an-hour for different meetings, and on
4 page 5 what you said was:

5 "I often drove him to the K-1 Office twice or three times a week.
6 Each time he left the K-1 Office after two or three hours and
7 sometimes half-an-hour. There I saw Ieng Sary and Nuon Chea also
8 enter the K-1 Office. I knew that they were Ieng Sary and Nuon
9 Chea because I met their drivers who were waiting like me. I did
10 not know what the meetings were about." End of quote.

11 Can you confirm that there were frequent meetings in K-1? You
12 said that there were meetings two or three times a week and that
13 they lasted between two and three hours?

14 [15.24.00]

15 MR. PRESIDENT:

16 Witness, please hold on, and counsel for Mr. Khieu Samphan you
17 may proceed.

18 MS. GUISSÉ:

19 Thank you Mr. President. Once again, I'm worried about the
20 wording here, that the witness is saying that he took Mr. Khieu
21 Samphan on visits and he stayed outside the K-1 building. So when
22 you talk about meetings lasting from one-to-two hours or three
23 hours, we are conjecturing.

24 The witness just talks about visits, but he doesn't know what's
25 happening inside. The prosecutor is deducing things here, and in

1 the question I think alternative wording should consequently be
2 used.

3 MR. DE WILDE D'ESTMAEL:

4 I agree that I did mention the word "meeting" while the witness
5 did not.

6 Q. Mr. Witness, do you confirm that you went to K-1 with Mr.
7 Khieu Samphan two or three times a week and, in general, for
8 times of two or three times each and sometimes just for
9 half-an-hour?

10 [15.25.13]

11 MR. LENG CHHOEUNG:

12 A. Yes, that is correct. It is as what you described, but it was
13 not a regular visit. But in one week there was - he would visit
14 that place but it was not regular and I did not know what he did
15 over there. It took him sometime half-an-hour, sometimes two
16 hours, three hours, I did not know what he did over there.

17 Q. Did Khieu Samphan ever stay longer than three hours in K-1?
18 Did you sometimes stay a whole day? Did you sometimes sleep
19 there?

20 A. To my knowledge, no, he never stayed overnight. At least
21 during the period I stayed with him, never did he stay over
22 there.

23 [15.26.18]

24 Q. Let's quickly come back to what you said earlier. And in your
25 interview record on page 8 you said that Khieu Samphan received

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1 visitors two or three times during the time you worked with him,
2 for example, diplomats came to submit their Letters of
3 Credentials to him and that the office for that was behind the
4 royal palace.

5 Are you certain that this only occurred two or three times during
6 the nine or 10 months that you were working for him or is it
7 really the case that you can't quite remember?

8 A. I can respond to your question based on my recollection. I
9 dare not speculate in my answer. Of course, he went there and I
10 knew that there was a presentation of credential through radio
11 broadcast. And then when I drove him over there I actually heard
12 from the radio. He never told me that he would there to receive
13 the foreign diplomat.

14 Q. In FBIS documents and others on the file that there were at
15 least 11 ambassadors who gave him their Letters of Credentials
16 between April '78 and December '78. I'm not going to go into the
17 details of all that, but would you agree to say that it could
18 have been more than two or three times over that period?

19 [15.28.19]

20 There was, for example, the Ambassador of Tunisia, April 1978;
21 Norway, 6 April; Malaysia, 18 June; Guinea; Japan; Burma; North
22 Korea; Pakistan; Nepal; Turkey; Switzerland.

23 Now, in your estimation, are we still talking about two or three
24 times or might it possibly be more?

25 MR. PRESIDENT:

1 Witness, please hold on. International counsel for Mr. Khieu
2 Samphan you may proceed.

3 MS. GUISSÉ:

4 Yes, Mr. President. In order that we may all be able to follow
5 the exchange between the prosecutor and the witness, it would be
6 important for the Co-Prosecutor to give us a reference of the "S"
7 document.

8 MR. DE WILDE D'ESTMAEL:

9 The first is dated April '78. It's E3/1361, and the date is 3
10 April, in English it is 00168782. It was translated into French,
11 00700200. I do not have the ERN in Khmer. So it's dated 3 April
12 1978.

13 And 6 April 1978, on that date the Norwegian Ambassador gave his
14 Letters of Credentials, ERN English 00168791.

15 [15.30.21]

16 On 18 June 1978 the Malaysian Ambassador tendered his Letters of
17 Credentials and FBIS is E3/1363. The ERN in English is 00169830 -
18 031, the last figure.

19 13 August 1978, Letters of Credentials by the Guinean Ambassador,
20 document E3/175, and the ERN in English is 00168963.

21 Then we have E3/76, dated 3 September 1978. Letters of
22 Credentials handed in by the Japanese Ambassador. In English,
23 00170348.

24 On 2 October 1978, Letters of Credentials by the Ambassador of
25 Burma. Document E3/294, and the page in English is 00170198.

1 Then we have 8 October 1978, Letters of Credentials from the
2 North Korean Ambassador. Document E3/294, and the page ERN
3 00170219.

4 [15.00.00]

5 And, lastly, we have four ambassadors who handed in their Letters
6 of Credentials on 3 December 1978, those of Pakistan, Nepal,
7 Turkey and Switzerland. It is document E3/295. The ERN is
8 00169050 in English.

9 I will not go into other the visits. We have the visit of the
10 Yugoslavia representative, 1978. The number is E3/1362. In
11 English, the ERN is 00169981. We have others. We have the
12 Algerian president and so on and so forth.

13 Q. My question to you, Witness, is this. At that age of 14, 15,
14 is your memory still reliable when you say that he received
15 foreign guests only on three occasions - two or three occasions -
16 or do you think he might have received foreign guests on many
17 other occasions?

18 [15.33.42]

19 MR. LENG CHHOEUNG:

20 A. So far as I remember he - or we could receive guests on a few
21 occasions and when you asked me to exactly say how many times and
22 I am afraid I cannot do that because I don't want to speculate,
23 and he could - he might have received some foreigners before I
24 came to work with him. But that's still speculation.

25 Q. Very well. Perhaps this is my last question to you. Did you

1 drive Khieu Samphan to a number of warehouses - that is, state
2 warehouses? In the record of your interview read out to you a
3 while ago, you talked about the warehouse on the banks of the
4 river. Did you drive Mr. Khieu Samphan to Tuol Tumpung to the
5 Kilometre 6 state warehouse - that is, Chraing Chamres as well,
6 in 1978?

7 A. Yes, I did drive him there to the place, but I did not know it
8 was a warehouse because he didn't tell me that he would be going
9 to the warehouse. There was a place in Chraing Chamres location
10 where he asked me to take him to. He would be there briefly then
11 he asked me to bring him back.

12 Q. When you state that he was there for a very short time, did he
13 alight from the vehicle on that occasion?

14 A. No, he did not get off the car, he just looked around and in
15 the car, then we returned.

16 Q. Well, did you also drive Mr. Khieu Samphan to Boeng Trabek?
17 [15.36.27]

18 A. No, I don't remember having driven him to that place.

19 Q. You do not recall. Does that mean that you are not sure? Does
20 it mean that it is possible that you went there or not?

21 A. I just don't remember, so for that reason I will decline to
22 speculate.

23 MR. DE WILDE D'ESTMAEL:

24 Very well. Thank you, Witness for answering my questions. I have
25 no further questions for you.

1 Thank you, Mr. President.

2 [15.37.24]

3 MR. PRESIDENT:

4 Thank you. We would like to now hand over to the Lead Co-Lawyers
5 for the civil parties.

6 QUESTIONING BY MR. PICH ANG:

7 Good afternoon, Mr. President, and good afternoon, Your Honours.

8 Good afternoon everyone and good afternoon, Mr. Witness.

9 I have very few questions. I am Pich Ang representing civil
10 parties who are victims. I would like to ask a few questions for
11 the sake of clarification.

12 Q. Can you tell the Chamber what you do now?

13 MR. LENG CHHOEUNG:

14 A. Yes, I can. Currently I am a national police in Sampov Lun
15 district.

16 Q. Can you also tell the Chamber your rank as the police officer?

17 A. I am the deputy chief of the statistics office in Sampov Lun
18 district.

19 Q. Thank you. You just said Mr. Khieu Samphan is gentle and he is
20 good at educating people. Now, do you still recall the content of
21 the education, for example, what he taught those people back
22 then?

23 [15.39.21]

24 MR. PRESIDENT:

25 Mr. Witness, could you please hold on? And counsel for Mr. Khieu

1 Samphan, you may proceed.

2 MS. GUISSÉ:

3 Yes, Mr. President, I object to this question because I do not
4 remember when the witness said that Mr. Khieu Samphan was fit to
5 teach. Can counsel give the references because I didn't hear the
6 witness make any reference to that?

7 MR. PICH ANG:

8 Mr. President, I didn't say that Mr. Khieu Samphan was good at
9 teaching people, but just now witness talked to the prosecutor
10 who said that Khieu Samphan is able - or was able - to educate
11 people. So my question is more or less about the content of the
12 education session he would conduct for the people he would like
13 to educate. So I just would like to follow-up the question
14 already - or response the witness already made.

15 [15.40.49]

16 MR. PRESIDENT:

17 The objection is not sustained. Witness is now directed to
18 respond to the question by Lead Co-Lawyer for the civil parties.

19 MR. LENG CHHOEUNG:

20 Khieu Samphan was a kind of role model person, a person who is
21 good that we could follow, and he didn't say much about this kind
22 of education but the way he acted made us feel that he was - he's
23 a proper person, a good person that we should follow.

24 MR. PICH ANG:

25 Q. I think you are not answering my question, and you said you

1 just followed what he did. My question to you is, what exactly
2 did he instruct or teach people that made you believe that he was
3 a good person? Can you do that to us, please?

4 A. I don't remember the substance of such a good (unintelligible)
5 education he offered us. It was a long time ago. I'm afraid I
6 can't remember.

7 [15.42.30]

8 Q. Did he also talk something about economization or being
9 economical?

10 A. He once talked about this. He asked us to be very careful with
11 using things, you know, like be economical.

12 Q. Can you be more precise on this? Can you be more precise when
13 you refer to him being vocal on economization?

14 A. I can't go further from this. I only know that he educated us
15 to be careful, in other words, waste not, want not.

16 Q. You said that you would take Khieu Samphan somewhere about
17 five to 10 kilometres in the outskirts of Phnom Penh. Do you still
18 remember what would be the most interesting things Mr. Khieu
19 Samphan would express his opinion about or did he also have more
20 impression on the people he met?

21 [15.44.18]

22 A. I think I did not really take good notice of this because I
23 was too young and I told you if I were as old as I am today I
24 would be able to observe this more precisely. So, again, I can
25 say that I did not take good notice of his observation or

1 impression.

2 Q. When you drove him to different places, did you hear him say
3 anything?

4 A. I don't remember, but mostly we did not converse during the
5 time when I was driving for him.

6 Q. Thank you for answering these questions, but I may ask you
7 another question for clarification.

8 You stated that you took Khieu Samphan to K-1 every week. Can you
9 tell the Chamber what time of the day did you usually take him
10 there?

11 A. Normally I would take him there in the mornings or afternoons,
12 but that's something that happened long ago, but I can say, yes,
13 he was taken to the places in the morning mainly.

14 Q. Did you also drive him in the afternoon? In particular during
15 the time when you had lunch together with him, did you ever take
16 him for lunch?

17 [15.46.44]

18 A. No, I don't know anything about this because I would never
19 join lunch with him because he would have lunch in his home and
20 there was a partition or the wall that block the two places where
21 he stay and where I stayed.

22 Q. Did you ever then take him for lunch? I mean, drive him for -
23 during lunchtime?

24 A. No, never. That's what I remember, but after 2 or 3 p.m. I
25 remember having driven him some places.

1 Q. I have the last question regarding this point. When you drove
2 Mr. Khieu Samphan to K-1, did you ever notice that other people
3 also were coming to this place to attend perhaps a meeting?

4 [15.48.02]

5 A. I don't know because my role was mainly to drive him and when
6 - after he was dropped I would have to leave and the gate would
7 be closed, and for that I have no idea who would be coming. But,
8 yes, on some occasions I would see the drivers of some of them,
9 including driver for Mr. Nuon Chea, at the vicinity.

10 Q. Thank you, Mr. Witness, for responding to my questions. I have
11 no further questions for you, nonetheless, I just wish to finally
12 ask you about Madam So Socheat who is Mr. Khieu Samphan's wife.
13 Did he (sic) have anything to do at the kitchen or was there
14 another person who controlled - or supervised this kitchen other
15 than her?

16 A. I don't know how to respond to this question. I was too young
17 at that time to be informed of all these matters, and I think I
18 had no reason to know anything about this.

19 Q. I think this is going to be the final question. Can you tell
20 the Chamber whether you note that Khieu Samphan and Madam So
21 Socheat shared the same house or did these two people live in
22 separate houses?

23 [15.50.07]

24 A. At that time when I worked there they lived separate - in
25 separate homes.

1 Q. Where did they live?

2 A. They lived in different houses in K-3 Office.

3 Q. Thank you, Mr. Witness.

4 MR. PICH ANG:

5 Mr. President, thank you, and I have no further questions. I

6 thank you, Mr. President, and Your Honours for allowing me to put

7 questions for the witness.

8 MR. PRESIDENT:

9 Thank you, counsel. Counsels for Mr. Nuon Chea, would you please

10 advise the Chamber as to whether you would like to put questions

11 to the witness?

12 [15.50.59]

13 MR. SON ARUN:

14 Mr. President and Your Honours, counsels for Mr. Nuon Chea do not

15 have any questions to put for the witness. Thank you.

16 MR. PRESIDENT:

17 Thank you. Mr. Leng Chhoeung, your testimony now comes to a

18 conclusion and you are now excused. The Chamber is very grateful

19 to your attendance and we appreciate your patience, and we

20 believe that your testimony helps ascertain the truth. With that,

21 we would like to wish you all the very best and safe travels back

22 home.

23 The Court session today comes to a conclusion already. The next

24 session will be convened on Wednesday at 9 a.m. On Wednesday we

25 will be hearing TCW-801.

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1 With that, the Chamber wishes to inform the parties to the
2 proceedings and the public, and the Chamber will not be sitting
3 tomorrow because it is a public holiday.

4 [15.52.27]

5 Court Officer is now instructed to assist Mr. Leng Chhoeung and
6 make sure that he is returned home safe and sound. And duty
7 counsel, Moeurn Sovann, who is here with us is also now excused.
8 Security personnel are now directed to bring Mr. Khieu Samphan
9 and Mr. Nuon Chea back to the detention facility and have them
10 returned to the courtroom after tomorrow which is the 19th of
11 June 2013 before 9 a.m. Mr. Nuon Chea can be returned to his
12 holding cell downstairs where he can observe the proceedings
13 through audio-visual link.

14 The Court is adjourned.

15 (Court adjourns 1553H)

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