



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 November 2016

Trial Day 481



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

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KHIEU Samphan

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I N D E X

2-TCCP-223

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Ms. THUCH Sithan (2-TCW-842)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCCP-223	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Mr. KOPPE	English
Mr. LOR Chunthy	Khmer
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Ms. SONG Chorvoin	Khmer
Ms. THUCH Sithan (2-TCW-842)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 For today and tomorrow's proceedings, the Chamber will hear
6 testimony of a civil party, namely 2-TCCP-223 in the morning
7 sessions, and hear testimony of witness 2-TCW-842 in the
8 afternoon via a video conference from France.

9 Ms. Se Kolvuthy, please report the attendance of the parties and
10 other individuals to today's proceedings.

11 [09.04.38]

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all parties to this case
14 are present.

15 Mr. Nuon Chea is present in the holding cell downstairs. He has
16 waived his right to be present in the courtroom. The waiver has
17 been delivered to the greffier.

18 The civil party who is to testify today, namely, 2-TCCP-223, is
19 present in the waiting room to be called by the Chamber.

20 And for the witness who is to testify via video conference this
21 afternoon from France, that is, 2-TCW-842, will take an oath
22 before the Chamber.

23 We also have a reserve witness today, that is, 2-TCW-871.

24 [09.05.37]

25 MR. PRESIDENT:

1 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the
2 request by Nuon Chea.

3 The Chamber has received a waiver from Nuon Chea, dated 21st
4 November 2016, which states that, due to his health, that is,
5 headache, back pain, he cannot sit or concentrate for long. And
6 in order to effectively participate in future hearings, he
7 requests to waive his right to be present at the 21st November
8 2016 hearing.

9 He advises that his counsel advised him about the consequence of
10 this waiver, that in no way it can be construed as a waiver of
11 his rights to be tried fairly or to challenge evidence presented
12 to or admitted by this Court at any time during this trial.

13 [09.06.25]

14 Having seen the medical report of Nuon Chea by the duty doctor
15 for the accused at the ECCC, dated 21st November 2016, which
16 notes that, today, Nuon Chea has a constant lower back pain and
17 feels dizzy when he sits for long and recommends that the Chamber
18 shall grant him his request so that he can follow the proceedings
19 remotely from the holding cell downstairs. Based on the above
20 information and pursuant to Rule 81.5 of the ECCC Internal Rules,
21 the Chamber grants Nuon Chea his request to follow today's
22 proceedings remotely from the holding cell downstairs via an
23 audio-visual means.

24 The Chamber instructs the AV Unit personnel to link the
25 proceedings to the room downstairs so that Nuon Chea can follow.

1 That applies for the whole day.

2 Before we begin to hear testimony of civil party 2-TCCP-223, the
3 Chamber notes that this civil party was interviewed in an ongoing
4 investigation in another case. The International Investigating
5 Judge places this witness in Group A among the three groups in
6 his memorandum. Please refer to document E319/35, and requests
7 that, for the purpose of maintaining confidentiality in the
8 investigation, pseudonym shall be used for this civil party.

9 [09.08.10]

10 The Chamber deems this limited measure is legally appropriate in
11 this case.

12 This instruction shall take into account the balance between the
13 need for public hearings and the integrity of the investigation.

14 The Chamber reminds the parties that they shall adhere strictly
15 to the instruction in document E319/7 for the use of documents,
16 which have been disclosed from other cases.

17 Court officer, please usher civil party 2-TCCP-223 into the
18 courtroom.

19 (Civil party enters the courtroom)

20 [09.10.00]

21 MR. PRESIDENT:

22 Good morning, Mr. Civil Party. In the proceedings before this
23 Chamber, pursuant to the request by International
24 Co-Investigating Judge, we shall only use your pseudonym. And
25 your pseudonym is 2-TCCP-223. And parties will refer to you as a

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1 civil party, and the Chamber will not allow parties as well as
2 the Bench to use your full names in this public hearing.
3 Court officer, please bring document E3/9477 for the civil party
4 to review, in particular, in the highlighted <orange> section.

5 (Short pause)

6 [09.12.10]

7 QUESTIONING BY THE PRESIDENT:

8 Q. Mr. Civil Party, I'd like to confirm your identity as
9 indicated in document E3/9477; Khmer ERN at 00990857; English,
10 01034080; and French, 01112104.

11 Please read the highlighted portion <in orange>, that is, your
12 name, your surname, your date of birth, your nationality, place
13 of birth, occupation, the names of your parents, and your wife,
14 and the number of your children. Please confirm whether the
15 information is correct.

16 You simply state whether it is correct or not, and please inform
17 the Chamber so.

18 2-TCCP-223:

19 A. It is correct.

20 [09.13.23]

21 Q. Thank you. Please put the document aside.

22 And Mr. Civil Party, you are called today to testify as a civil
23 party in the proceedings before this Chamber. And for that
24 reason, toward the conclusion of your testimony, you will be
25 given an opportunity to make an impact statement regarding harms

5

1 you suffered during Democratic Kampuchea, if you wish to do so.

2 And we will remind you again toward the end of your testimony.

3 And pursuant to Rule 91bis of the ECCC Internal Rules, the
4 Chamber grants the floor first to the Lead Co-Lawyers for civil
5 parties to put questions to this civil party. And the combined
6 time for the Lead Co-Lawyers and the Co-Prosecutors are two
7 <court> sessions.

8 You have the floor.

9 MR. PICH ANG:

10 Good morning, Mr. President. Good morning, Judges and parties. We
11 seek your permission to allow Counsel Lor Chunthy to put
12 questions to this civil party.

13 [09.14.48]

14 MR. PRESIDENT:

15 Yes, Counsel Lor Chunthy, you can proceed.

16 QUESTIONING BY MR. LOR CHUNTHY:

17 Thank you, Mr. President. And allow me to say good morning to
18 Your Honours and to parties.

19 My name is Lor Chunthy. I'm from <Legal Aid of Cambodia>, as well
20 as I'm a lawyer for civil party, and I have some questions to put
21 to the civil party in relation to his past experience. And my
22 questions are related to the period between 17 April 1975 and 6
23 January '79.

24 Q. Mr. Civil Party, can you tell the Chamber, that is, a bit
25 prior to 1975, where you lived and what you did?

1 [09.16.19]

2 2-TCCP-223:

3 A. Good morning, Counsel.

4 In 1975, that is, after the liberation of 17 April 1975, I was in
5 Battambang. I was at a university in Battambang province.

6 Q. What I just reminded you, Mr. Civil Party, is that my question
7 is related to the period prior to 17 April. Were you still living
8 in the same location?

9 A. Before 17 April, I lived in Bakan district, which was in
10 Pursat province.

11 Q. And what did you do for living at the time?

12 A. I was a messenger in charge of telegrams.

13 Q. And after 17 April 1975, you moved to live in Battambang
14 province. Can you tell the Court the exact location?

15 A. It was at Battambang University.

16 [09.18.50]

17 Q. And can you tell the Chamber what you did at the time, and
18 with whom?

19 A. <That time,> I stayed at the university, and my task remained
20 as a messenger in charge of telegrams. <> I also assisted in
21 receiving the domestic guests. At the time, I was with Horm.

22 Q. At the location where you lived and worked, <what was the name
23 of that institution>?

24 A. We were messengers, and <> I worked there as a guest
25 receptionist<, this is all I understand>.

7

1 Q. What was the reason you were assigned to work there?

2 A. The reasons that I was there because I participated in a
3 movement, that is, a resistant movement to liberate the country.
4 And that's why I was given such assignment.

5 MR. PRESIDENT:

6 Counsel, please, be precise in relation to your question, for
7 example, which unit he was attached to. And if you use the
8 broader term, for example, institution, only people -- educated
9 people<, like you,> could understand it. <The question was not
10 clear, so what is the specified fact?>

11 [09.21.06]

12 BY MR. LOR CHUNTHY:

13 Thank you.

14 Q. Mr. Civil Party, you worked at the University of Battambang
15 location. Did the University of Battambang have a name? For
16 example, what was the name, or whether it was known as an office
17 or known as a particular unit <in that period>?

18 2-TCCP-223:

19 A. It was referred to as Sala Pak (phonetic), or Party's school.

20 Q. And in that Party's school, who was in charge?

21 A. I saw Vanh (phonetic), who lived there.

22 Q. Was Vanh (phonetic) in charge of that location? Or was he part
23 of a working group?

24 A. Mr. Vanh (phonetic) was in charge of commerce in the entire
25 Battambang province, as well as the provincial town. And <>at the

8

1 Party school<, Battambang University,> he was the one who
2 organized everything, for example, when cadres came from
3 different <provinces and> districts for study sessions chaired by
4 the Zone Committee or chaired by Mr. Nuon Chea.

5 [09.23.27]

6 Q. You talked about a Zone Committee. And can you tell the
7 Chamber who was part of the Zone Committee?

8 A. As for the Zone Committee, from what I can recall, it included
9 Ros Nhim and Korn (phonetic) alias Keu .

10 Q. Could you please tell the Chamber which zone it was?

11 MR. PRESIDENT:

12 Please observe the microphone.

13 2-TCCP-223:

14 It was known as the Northwest Zone.

15 [09.24.25]

16 BY MR. LOR CHUNTHY:

17 Q. Allow me to ask you questions in relation to your duties.

18 You said that you were a messenger as well as a guest
19 receptionist. In your capacity as a messenger, to whom -- from
20 whom did you deliver messages, and <what> did you <do> on a daily
21 basis?

22 2-TCCP-223:

23 A. When there was a report from the lower level to the zone
24 level, for example, then I would be given that message. Then I
25 would transmit a telegram to the zone where Korn (phonetic) alias

1 Keu, was the one who received that message.

2 Q. Does it mean the messages were sent from the lower level, and
3 can you please clarify to the Chamber as to what you mean by the
4 "lower level"?

5 A. The lower level here referred to the Sector.

6 Q. And which Sectors sent messages to your location?

7 A. <I received messages from Sector 4 and 5.>

8 [09.26.44]

9 Q. In relation to Sectors 4 and 5, who were in charge of these
10 two sectors?

11 A. Hoeng <(phonetic)> was in charge of Sector 5. He was the
12 Sector Committee. As for Sector 4, it was Suy (phonetic) or Sou
13 (phonetic).

14 Q. Regarding the transmission of messages or reports to Keu, did
15 you know to whom that he relayed those messages?

16 A. No, I did not have that information.

17 Q. You, a while ago, said that you also received guests. Can you
18 tell the Chamber about those guests, where they came?

19 [09.28.26]

20 A. The guests came from the seven sectors in the Northwest Zone.
21 It covered two provinces, that is, Pursat and Battambang. And the
22 guests who came from all those sectors came to attend study
23 sessions.

24 Q. So they came for the study sessions, but before they did that,
25 did you have to take them on a tour or something?

10

1 A. Occasionally, I would take guests to visit Angkor Wat in Siem
2 Reap.

3 Q. So you took those guests to Angkor Wat in Siem Reap. Were they
4 local guests?

5 A. They were local guests.

6 Q. Did you ever receive foreign guests?

7 A. Yes, I did receive foreign guests, namely, Chinese and
8 Koreans.

9 Q. Do you remember the years when you received visitors from
10 China or Korea<? Where did you take them on a tour?>

11 A. I remember it was in 1976, <> but I did not take them to visit
12 any places.

13 Q. Can you still recall whether the visitors came in large groups
14 or just <> delegates?

15 A. They were delegates and visitors who came to assist us with
16 our <local affairs>.

17 [09.32.00]

18 Q. Thank you.

19 Did you remain working as the messenger and message delivery and
20 receptionist of guests at Battambang University until what year?

21 A. I remained at the university from 1976 <to> early 1977. Then I
22 left the university and went to join Zone <>office <560>.

23 Q. Can you tell us about the location of Office 560? Where <was>
24 it in Battambang province?

25 A. Yes, I can tell you about this location. It was along Road 5

11

1 from <Ta> Dambong Kro Nhoung to the north<. It was> about one
2 kilometre from <Ta> Dambong Kro Nhoung.

3 Q. What did you do at that office?

4 A. At that time, I was in charge of receiving <visitors who were
5 cadres>, and also delivered documents to<> 870.

6 [09.34.20]

7 Q. You said that you worked there and your responsibility
8 included sending documents to <> 870. So what was <870>, exactly?

9 A. 870 was the central office of the Communist Party of
10 Kampuchea.

11 Q. How did you know that Office 870 was the central office of the
12 CPK?

13 A. I knew it because the <zone's leaders> told me about it.

14 Q. When you were working there, did you ever receive any
15 delegates from Office 870 who came to visit your office?

16 A. At that time, I never received any <leaders> from Office 870.
17 I received only <local visitors> from the sector level who came
18 to attend meetings there.

19 Q. During the meetings, could you tell us who attended the
20 meetings?

21 A. Attendees came from various sectors, including Om Say, who was
22 the one invited others to the meeting. And the people who came to
23 attend the meeting included <zone> committee, including Korn,
24 <Ros> Nhim, the people I mentioned earlier.

25 [09.37.27]

1 Q. Can you tell us how many meetings were organized during the
2 time you were there, and how often were the meetings organized,
3 whether once every month or <once in every six months>?

4 A. The meetings were organized sometimes once every one month or
5 once every three months or once every six months. It depends.

6 Q. Can you still recall the topics <were> discussed during
7 meetings?

8 A. The subjects which were discussed during the meetings were
9 about the building of the country and the defending of the
10 country.

11 In regards to the building of the country, it touched on aspects
12 about building <> irrigation systems <and producing high yield>.
13 And in regards to the defence of the country, it's about the
14 strengthening of the core force within the army.

15 [09.39.20]

16 Q. During the meetings, did they <> referred to any documents
17 that were sent from <what> levels? <Were you aware of those
18 things?>

19 A. No, I was not aware of those things.

20 Q. I would like to ask my question about the period that you
21 stayed there until 1977. And after <that>, <>where were you sent
22 further?

23 A. In 1977, if I'm not wrong, it was in late 1977 during the
24 harvesting season<,> Angkar sent me to Phnom Penh. I was accused
25 of being part of the traitorous network.

13

1 Q. You said a while ago that it was in late 1977 during the
2 harvesting season you were sent to Phnom Penh because you were
3 accused of being part of the traitorous network.

4 So who were you connected to in that traitorous network? Were you
5 linked to your relatives, or whom?<>

6 A. First, perhaps they thought that I was under the leadership of
7 the traitors of the nation and the Party. And second, perhaps
8 they <knew> that I <was a relative of> those who were accused of
9 being traitors.

10 [09.42.20]

11 Q. Can you tell us the names of those people?

12 A. The name <> of the <person> who <> supervised me <at the
13 Office 560 was> Say.

14 Q. The person by the name Say, was that person related to you by
15 blood?

16 A. Say was my <great> uncle. He was my relative.

17 Q. What position did Say hold at that place, I mean at Office
18 560? What was his position?

19 A. Say was the office chief of Office 560. It was called Zone
20 <Office 560>.

21 Q. What about your father? Was your father in some ways related
22 to Say?

23 A. My father was related because he was in charge of the
24 industrial sector of the province <in that Northwest Zone>, and
25 during each meeting, he always came to attend the meeting at

1 <Zone> Office 560 together with the <leaders> from the zone and
2 the sectors.

3 [09.45.06]

4 Q. Were the two individuals accused of being traitors? <Why were
5 they accused of being traitors? Or> what <was the story>?

6 A. In 1977, I received information from Nuon Chea, who had
7 brought me to Phnom Penh. He said that, < "the Contemptible> Say
8 was the traitor of the Party". So because Say was my uncle and
9 Nuon Chea accused Say of being a traitor of the Communist Party
10 of Kampuchea.

11 Q. Did that mean that you were sent to Phnom Penh and, at Phnom
12 Penh, you met Nuon Chea and <>he <raised> the issues that you
13 have just mentioned? <In what event did Nuon Chea make that
14 statement?>

15 A. Yes. Nuon Chea said so during the gathering of <hundreds of>
16 people from the Northwest Zone <to listen to his speech>. He
17 explained to us that a number of people in the <leaders> of the
18 <Northwest Zone> were traitors, and he said that the Party
19 brought all of us here in order to help us escape the killing by
20 those traitorous leaders. <I therefore perceived that> Nuon Chea
21 <accused> Say, my uncle, <of being> a traitor<>. And a number of
22 people who were persecuted or killed in the Northwest Zone were
23 carried out by those traitorous leaders. And he said that he
24 brought all of us here in order to save us from being persecuted
25 and killed by those <provincial> traitors.

15

1 [09.48.18]

2 Q. Can you still recall that when Nuon Chea made such statements,
3 <> where did he say so <in Phnom Penh>? I mean the specific
4 location.

5 A. I can recall only the location, <>the place where Nuon Chea
6 told us about such issue. That location had <> buildings <,
7 reserved for living and study> they were identified by building
8 A, B, C, D, E. And in that location, there was a large meeting
9 hall. I had no idea what that place was.

10 Q. Thank you.

11 When Nuon Chea opened the meeting, how many people attended that
12 meeting? Because you said earlier that there were many <people>
13 who were brought from provinces, for example, among those people,
14 including you. And can you still recall where did you stay<? And>
15 were you transported from the place where you stayed to the
16 meeting place?

17 [09.50.13]

18 A. When I was transported from the province to Phnom Penh, we got
19 off at the railway station and then we were transported further
20 to the Royal University of Phnom Penh. We stayed at a place near
21 the university for some <days>, which I cannot recall exactly how
22 many <days> I stayed there. And later on, <people from different
23 ages were selected and then we were> transported <>to the large
24 meeting hall, which I already told you that I only remembered it
25 was a large meeting hall, but I did not remember or know the

16

1 specific name of it.

2 It was that place that <> Nuon Chea <made the statement>. The
3 meeting lasted for three days, and after the meetings, we were
4 shown <Khmer and> Chinese <films>. And about the Khmer films, we
5 were shown film about the heroism of Khmer people <and army.>
6 But for the Chinese films, I cannot recall them.

7 [09.51.49]

8 Q. You said that you were sent from Battambang and you were
9 assigned to stay at Phnom Penh University. And you said that you
10 were transported from Phnom Penh University to the meeting hall.
11 How <> were you transported, I mean the means of transportation?
12 <And for how long did it take to reach that meeting hall?>

13 A. When I was transported from the Royal University of Phnom
14 Penh, I was transported by a tourist bus. We were transported to
15 the meeting hall where Nuon Chea told us about what had happened
16 in the zone. <These buildings appeared to be the> accommodations
17 for <students to> stay during the <the studies> . <Previously, I
18 confused that location with Borei Keila, but they were not.>

19 Q. Was the meeting place far from Royal University of Phnom Penh?

20 A. Yes, it was far away. From the Royal University of Phnom Penh,
21 we travelled along National Road 4 into Phnom Penh. And the
22 location where the meeting took place, its compound was enclosed
23 by <high> zinc fence.

24 [09.54.01]

25 Q. My question to you now is about <>your meeting with Ta Nuon

1 Chea.

2 Can you tell us how many people who led the meeting?

3 A. I saw one facilitator or coordinator of the meeting. Then I
4 saw Nuon Chea came onto the stage. And then he started telling
5 about the stories that I told you earlier.

6 Q. Did you attend the meeting only one time, or what? And do you
7 still recall the other statements that were delivered during the
8 meeting?

9 A. No, I cannot recall anything else.

10 Q. Can you still recall whether during that meeting, Nuon Chea
11 also talked about other aspects, for example, the economy, <and
12 the use of currency?>

13 A. No, he did not talk about those aspects.

14 [09.56.20]

15 Q. After the meeting finished, where were you sent next?

16 A. After the meeting finished, I was sent to Chraing Chamres. I
17 was assigned to clear the pond. In that pond, there were grasses
18 <and several shells left in there>. And then I was sent to
19 Dangkao pagoda. It was also called Chey Udom (phonetic) pagoda. I
20 was assigned to dig ponds <along the railroad>, and also made
21 fertilizer and also harvested rice. Then, I was sent back to
22 Phnom Penh. I was assigned to join the building of hospital
23 buildings at Khmer-Soviet Hospital<, another hospital where
24 medicine was produced>, and also at some other hospitals,
25 including Calmette. <I cannot recall all of them.>

1 Q. During the whole period that you were in Phnom Penh, did you
2 attend the meeting only once, or what? <Did you meet other
3 leaders?>

4 A. In fact, I attended regular meetings, but those meetings were
5 held within my unit. <Those meetings were about the work that we
6 had to carry out on regular basis.> And later on, toward the
7 end of the regime, that was the time that Phnom Penh was about
8 to fall. Ieng Thirith also <summoned> us for a meeting about the
9 <plan to> escape <to Battambang province or to the west>.

10 [09.59.40]

11 Q. You also touched on a point related to your father. You said
12 that he was in charge of some responsibilities, and because of
13 those responsibilities, he were taken away and disappeared. And
14 he was accused of being a traitor, so can you confirm or tell us
15 about what kind of things that form the basis of the accusation
16 that he was a traitor?

17 A. At that time, I knew that he was in charge of leading workers
18 to grow <jute and produce bags.>. <He led workers to work at
19 Andeuk Haeb (phonetic), in Traeng. So> the <jute was> collected
20 <to> make thread. <He had done nothing wrong.>

21 Q. After you no longer heard from your father and then, later on,
22 you came to Phnom Penh and until today, have you tried to find
23 out more about <> his disappearance?

24 A. I tried to look for him at Tuol Sleng prison. I went through
25 those photos, and I did not see his photo. However, I heard that

1 he was actually sent to S-21 prison and that he was executed
2 there.

3 Q. This may be my last question.

4 Until today, do you still hope that one day you might see him
5 again?

6 A. I do not have any hope that I would meet him again because I
7 knew that he was killed there.

8 MR. LOR CHUNTHY:

9 Mr. President, I don't have any further questions. Thank you.

10 [10.03.02]

11 MR. PRESIDENT:

12 The floor is now given to the Co-Prosecutors to put questions to
13 this civil party.

14 QUESTIONING BY MR. LYSAK:

15 Thank you, Mr. President.

16 Q. Good morning, Mr. Civil Party.

17 You were just speaking about your father, so perhaps I will
18 continue with a few questions about him.

19 Do you remember the last time you saw your father before he was
20 arrested and disappeared?

21 2-TCCP-223:

22 A. Good morning to you.

23 I last saw my father, it was at the time that I was told that
24 people who arrested my father and took him away from Battambang
25 province were those who came from Phnom Penh. And from that day

1 onward, I did not see him again.

2 [10.04.42]

3 Q. Do you know where your father was located when he was
4 arrested? Where did this arrest take place, if you know?

5 A. I only knew that he was living at a textile factory in
6 Battambang province.

7 Q. Do you know whether your father was arrested around the same
8 time or at the same time as your uncle, Say, who was the chief of
9 the zone office?

10 A. From what I was told that they were arrested at the same time,
11 and three of them were arrested: <the first person> was Say,
12 second was Chet, who was my father, and third was Mon (phonetic),
13 who was in charge of commerce succeeding <Vanh> (phonetic).

14 Q. Now, you indicated your father's name was Chet. Was that his
15 revolutionary alias, and can you tell us what your father's full
16 name was and what his revolutionary alias was?

17 A. His alias was Sau Chet, and his native name was Chim, but I do
18 not recall his surname.

19 [10.06.48]

20 MR. LYSAK:

21 Mr. President, at this time I'd like to provide a couple of
22 records from S-21 for the witness to -- the civil party to
23 review. The two documents I'd like to provide are, for the
24 record, E3/9646, E3/9646; Khmer, page 01017058; and also document
25 E3/9996, E3/9996.

21

1 With your leave, may I provide these to the civil party?

2 MR. PRESIDENT:

3 Yes, you may.

4 [10.08.10]

5 BY MR. LYSAK:

6 Q. Mr. Civil Party, I've provided you with two documents that
7 come from S-21. Let me first say that number -- Your Honours,
8 number 10,054, 10,054 on OCIJ's S-21 list is So Chim alias Chet,
9 a 46-year old male identified as the chief of textile factory in
10 Battambang who entered S-21 on the 28th of June 1977. The two
11 documents provided to the civil party are the underlying records
12 as cited by OCIJ.

13 The first one, Mr. Civil Party, E3/9646, is a list of prisoners
14 who entered S-21 on the 28th of June 1977. Number 47 on that list
15 is So Chim , chairman of textile factory in Battambang. And the
16 second document I've provided to you is a -- at E3/9996 is a
17 daily control list of prisoners for the 30th of July 1977, which
18 contains a handwritten note pertaining to So Chim alias Chet,
19 the chief of textile factory in Battambang.

20 First of all, can you confirm, is the person who -- identified in
21 these S-21 records, is this your father, Mr. Civil Party?

22 2-TCCP-223:

23 A. Yes, indeed. He's my father.

24 [10.10.25]

25 Q. The second document has a handwritten note at the bottom about

1 your father and the circumstances of his death that day. It's
2 only in Khmer, so I'd like my Khmer national colleague to read
3 the handwritten note for the record, and then I have a question
4 for you about that.

5 MS. SONG CHORVOIN:

6 Handwritten notation is E3/9996. To the bottom, Mr. Witness, it
7 is handwritten as follows:

8 "Sau Chhim alias Chet, chief of textile factory in Battambang;
9 died from dysentery and severe wound to the back. He was treated
10 for one month."

11 [10.11.31]

12 BY MR. LYSAK:

13 Q. Mr. Civil Party, this record records that your father died
14 from dysentery or diarrhoea as well as severe wounds on the back
15 one month after his arrival at S-21.

16 My question to you, do you remember, was your father in good
17 health or poor health the last time you saw him before his
18 arrest?

19 2-TCCP-223:

20 A. My father was in good health and he did not have any disease
21 as mentioned in this document.

22 MR. LYSAK:

23 Mr. President, with your leave, I'd also like to provide two
24 further S-21 records to the witness -- to the civil party related
25 to a person identified as the chief of the Northwest Zone office.

1 One of them is -- also comes from E3/9646, a different Khmer
2 page, Khmer 01017054, which is a list of prisoners who entered
3 S-21 on the 26th of June 1977.

4 And the second document is -- comes from E3/2285, Khmer pages
5 0009303(sic) through 9309, is a list of prisoners who were
6 smashed on the 18th of October 1977.

7 With your leave, may I provide these two documents to the civil
8 party?

9 MR. PRESIDENT:

10 Yes, you may.

11 [10.13.57]

12 MR. KOPPE:

13 Mr. President, could you please also provide the English ERNs?

14 MR. LYSAK:

15 The first document, E3/9646, is only in Khmer. It's one of the
16 underlying records from the OCIJ list. The second document, the
17 individual in question, there is an English translation. It is
18 English 00873637. Again, 873637. And this comes from E3/2285.

19 There's no French translation of that list.

20 MR. KOPPE:

21 I do have an English translation of E3/9646, so that is English,
22 ERN 0113958.

23 Sorry, 01139858 and further.

24 [10.15.10]

25 BY MR. LYSAK:

1 Yes. That's only a partial translation. It's a long document.
2 So the English -- the English translation -- there's an English
3 translation in 9646 of the 28 June 1977 entry list, but not of
4 the 26 June 1977 list.

5 Q. Mr. Civil Party, I've provided you these two documents. The
6 first, the list of prisoners entering S-21 on 26 June 1977.
7 Number 26 on that list -- this is E3/9646; Khmer, 01017054 --
8 number 26 is Ruos Mao (phonetic), chief of the Northwest Zone
9 office.

10 And then the second document I've provided to you, E3/2285, the
11 -- I've highlighted the name for you. Number 35 on that list of
12 179 prisoners smashed on 18 October 1977 is Ruos Mao alias Say
13 (phonetic), chief of the Northwest Zone office.

14 Can you tell us whether the person who I've identified was your
15 uncle, Say, who you described for the Court this morning?

16 2-TCCP-223:

17 A. Yes, that is correct.

18 [10.16.55]

19 Q. And one more question about the arrest of your uncle and
20 father.

21 Who was it that first told you or how did you first learn that
22 your father and your uncle had been arrested?

23 A. I heard that people from Phnom Penh went to arrest them. I
24 only heard this news. I did not witness the actual event.

25 Q. And do you remember who told you this?

1 A. It was a bodyguard from Office 560.

2 Q. I want to go back now to talk about some background questions
3 about your position.

4 MR. PRESIDENT:

5 Thank you.

6 It is now convenient time for a short break. We'll take a break
7 now and resume at 25 to 11.00 to continue our proceedings.

8 Court officer, please assist the civil party at the waiting room
9 reserved for witnesses and civil parties during the break time
10 and invite him back into the courtroom at 25 to 11.00.

11 The Court is in recess.

12 (Court recesses from 1018H to 1036H)

13 MR. PRESIDENT:

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

15 And before I give the floor to the Co-Prosecution, greffier,
16 please <check> the Nuon Chea defence counsel.

17 Okay. Now he's back.

18 So I give the floor to the Co-Prosecution to continue putting
19 question to the civil party.

20 [10.37.39]

21 BY MR. LYSAK:

22 Thank you, Mr. President.

23 Q. Mr. Civil Party, you've talked to us about the locations where
24 you worked in the Northwest Zone.

25 Did -- your uncle, Say, who was the chief of the zone office, did

1 he work at the same location as you or nearby you? Can you tell
2 us whether you ever worked at the same office as your uncle, Say?

3 2-TCCP-223:

4 A. The zone office was located about one kilometre from <Ta>
5 Dambong Kro Nhoung. It was on National Road 5. My <great> uncle
6 worked at that office. He did not work at anywhere else.

7 Q. And in your Civil Party Application, in talking about your
8 position as a messenger at the zone office, you state -- quote:
9 "I got this duty and position because my father had known Khieu
10 Samphan, Nuon Chea, Hu Nhim, Hou Youn and other leaders before
11 the Khmer Rouge took over Cambodia." End of quote.

12 Can you tell us if you know anything how -- any information, how
13 is it that your father knew Nuon Chea, Khieu Samphan and other
14 Party leaders before the Khmer Rouge took power?

15 A. The reason that he knew them because he used to <study and>
16 work <>with them.

17 [10.40.10]

18 Q. Do you know any details? Do you know where it was that your
19 father used to work with Nuon Chea and Khieu Samphan before 17
20 April 1975?

21 A. Please repeat your question because I did not get it.

22 Q. My question was, do you know where it was that your father --
23 where your father worked with Nuon Chea and Khieu Samphan and
24 other Party leaders before 17 April 1975?

25 A. It was in Phnom Penh.

1 Q. I want to turn to another subject that's addressed in your
2 civil party papers, and that is the treatment of Buddhists.

3 Can you tell the Court what happened to the pagodas and monks in
4 your home district in Battambang during the Khmer Rouge regime?

5 [10.41.56]

6 A. I knew from a public meeting before the liberation day in
7 April <1977 (sic)>. During the meeting, people were informed that
8 when the regime came to power, they would allow only two classes:
9 that were the labour and the peasant class. For other <three>
10 classes, were not allowed including feudal, capitalist<, petty
11 bourgeoisie > classes <because these classes trampled the classes
12 of labour and peasantry>. So, through that public general
13 meeting, they emphasized that those classes would not be allowed.

14 Q. Who was it that spoke at this meeting and talked about these
15 issues?

16 A. I cannot recall the names of those people. <>I can recall
17 <>what they said to us.

18 They said that when DK regime came to power, they would not allow
19 three classes to continue. Those classes were feudal, capitalist
20 and <petty bourgeoisie> classes. They would allow only two
21 classes, the labour and peasant classes. <In general, when the
22 meeting was held in rural areas, local residents in liberated
23 zone were informed such policy>.

24 [10.44.08]

25 Q. Let me see if I can refresh your memory.

1 In your Supplementary Information Form you filed with your Civil
2 Party Application, this is document E3/6636A, E3/6636A, at Khmer,
3 ERN 00579467; English, 00859259; there's no French translation.

4 You state -- quote:

5 "During a meeting, the zone leader, Kan, announced that there
6 were only two classes, the workers and the peasants and that it
7 was not necessary to practise any religious beliefs." End of
8 quote.

9 Is this the same meeting that you just described? And who was
10 this zone leader, Kan?

11 You referred earlier today to a person who was on the Zone
12 Committee with Nhim named Kan alias Keu. Is that the person who
13 spoke at this meeting?

14 A. I knew <Korn (phonetic)>, who was the leader of the zone. It
15 was not only <Korn (phonetic)> who said so; various leaders at
16 the local level <including squads and units>, they also
17 emphasized those points during their regular local meetings.

18 [10.46.22]

19 Q. And just so we're clear, this person, Kan, was this the same
20 person you indicated was also known by another name, Keu or Keu?

21 A. I did not know.

22 Q. Perhaps I misunderstood.

23 Earlier today, you identified for your counsel two people who you
24 believed served on the Zone Committee. One was Ros Nhim.

25 Who was the other person you identified who was also on the Zone

1 Committee with Nhim?

2 A. I knew that <Korn (phonetic)>, along with other members in the
3 zone, worked with Ros Nhim.

4 Q. Okay. We'll come back to him a little bit later.

5 So you were present at a meeting where this announcement was
6 made. Later on, what happened to the pagodas and monks in your
7 home district in Battambang?

8 [10.48.23]

9 A. It happened everywhere. It did not happen only <in> Battambang
10 province. It happened all over the country. Monks and pagoda were
11 not allowed to continue.

12 Q. And do you know whether any of the leaders from the Centre
13 were involved or had issued any orders relating to the closing of
14 pagodas in the country?

15 A. I did not know.

16 Q. Let me get some clarification, then, on another statement.
17 Same pages from the Civil Party Supplementary Information Form
18 that I just cited, E3/6636A. E3/6636A.

19 And after describing this meeting that you've talked about, you
20 go on to say the following -- quote:

21 "Later on, in 1976, there was an order from Nuon Chea to demolish
22 pagodas in Moung Ruessei for storehouses as needed. Please be
23 informed that the Khmer Rouge had planned to get rid of religions
24 and disrobe monks since before 1975." End of quote.

25 Your statement in here indicates that there was an order from

1 Nuon Chea. Why did you say this? How did you know that Nuon Chea
2 issued an order relating to the destruction or demolition of
3 pagodas?

4 [10.50.48]

5 A. I knew this because <Korn (phonetic)> met with Nuon Chea
6 often. And at that time, <Korn (phonetic)> was close to me and he
7 told me all about that.

8 Q. Do you know where it was that Kan would meet with Nuon Chea?

9 A. They met on different occasions and at different places.
10 Sometimes he met him at MOUNG RUESSEI, sometimes at Battambang
11 and sometimes in Phnom Penh.

12 Q. During the regime, did you know that Nuon Chea was from
13 Battambang?

14 A. I know he was from Ampil Prahong (phonetic) in Battambang
15 province.

16 [10.52.10]

17 Q. And do you remember how you knew or how you learned that Nuon
18 Chea was from Ampil Prahong (phonetic)?

19 A. I knew <it> from my mother because my mother used to live with
20 Nuon Chea. I, myself, was also living with Nuon Chea when I was
21 young. <It is what my mother told me.>

22 Q. So you're talking here about the pre-'75 period. Do you
23 remember approximately what years it was that you and your mother
24 lived at the same place as Nuon Chea?

25 A. If I'm not wrong, I lived in Phnom Penh between 1958 or '59 or

1 1960.

2 Q. Okay. I'm going to come back to the meetings between Nuon Chea
3 and Kan in a little bit.

4 First, I want to ask you another general question about events
5 after the Khmer Rouge took power.

6 Do you know after the Khmer Rouge took power in -- on 17 April
7 1975, what happened to the Lon Nol officials and soldiers in
8 Battambang, particularly those who held ranking positions?

9 A. I knew that, at that time, there were killings. There were
10 killings <against> officials of <> Lon Nol <administration>.

11 [10.55.00]

12 Q. And how did you know about that?

13 A. I was aware of this through people whom I had interacted with.
14 They told me about that incident.

15 Q. And did your father or your uncle ever speak to you about what
16 happened to the Lon Nol officials or soldiers after the Khmer
17 Rouge took power?

18 A. No, I did not know from him.

19 Q. Okay. In your testimony this morning, you've talked about the
20 arrests of your father and uncle.

21 I want to ask you about arrests or purge before the -- before
22 that time, before the arrest of your uncle and father.

23 In your OCIJ interview, you discuss Northwest Zone cadres being
24 removed from their positions and purged beginning in February or
25 March 1977, so this would be about three months or four months

1 before the arrest of your father and uncle.

2 Can you tell us what you remember -- tell the Court what you
3 remember about this period in early 1977 when Northwest Zone
4 cadres first were being removed from their positions and
5 arrested?

6 [10.57.32]

7 A. Today I will tell you in details about what happened in 1977.
8 To my knowledge, <> when they purged people<, I go back to make
9 it clear>, initially, they purged people in the North Zone first.
10 And after they had purged people there, they came to purge people
11 in the Northwest Zone.

12 They started to purge cadres at the lower level, and they put in
13 place <> cadres from the Southwest Zone. They put people from the
14 Southwest Zone to get themselves familiar with the works of the
15 <cadres in Battambang province>.

16 And during the purging period, they used the terms "send those
17 people to study", but those people who were sent to study
18 disappeared and they <never> returned. <This happened to the
19 upper echelons responsible for the zone,> And the purge <>
20 <continued> subsequently.

21 Those who purged others, were finally purged by other people, and
22 that led to the collapse of the regime.

23 [10.59.32]

24 Q. Okay. You talked about cadres being sent from the Southwest to
25 -- who were put in place in the Northwest Zone. How many cadres

1 were sent from the Southwest Zone in 1977, and where did they
2 stay when they were -- when they arrived in Battambang?

3 A. <For the female> cadres who were sent from the Southwest Zone
4 to the Northwest Zone stayed at the university, <>. For the male
5 cadres, they were assigned to stay at Veal Baek Chan<, namely
6 Battambang airfield>.

7 I prepared accommodation for them to stay. <For the male cadres,
8 I knew Ream (phonetic), but I did not know any in the female
9 side.>

10 Q. And do you remember approximately how many cadres came from
11 the Southwest Zone who had to have accommodations arranged for
12 them?

13 A. I do not recall the total number of the people. However, what
14 I know is that <there were many people in> that group<.>
15 [11.01.25]

16 Q. And let me see if I can refresh your memory.

17 In your OCIJ interview, E3/9477, E3/9477, at answers 31 through
18 32, you said -- you testified -- quote:

19 "We were the receivers of new cadres who had been sent in at the
20 first phase of between 500 and 600 persons, including males,
21 females, civilians, and soldiers at around the end of 1976."

22 And then you describe how -- your responsibility for providing
23 food and accommodation to them at the university in Battambang.

24 And then in answer -- question and answer 32, the question: "Did
25 you know what zone these new cadres were from?"

1 Answer: "They were from the Southwest Zone, and the women were
2 mostly from the salt farm unit." End of quote.

3 Does that refresh your memory, Mr. Civil Party? Was it as many as
4 500 to 600 cadres who were sent from the Southwest Zone?

5 [11.03.00]

6 A. Yes, that is correct.

7 Q. Now, do you know whether any of the Party leaders from Phnom
8 Penh -- from the Centre, whether they were involved at the time
9 these purges, these arrests of Northwest Zone cadres began in
10 1977?

11 A. No, I did not.

12 Q. Let me read to you another excerpt from your -- the same OCIJ
13 interview, E3/9477.

14 Before I read this, let me try another question. Before -- or
15 around the time that this purge began of Northwest Zone cadres,
16 were you aware whether either Pol Pot or Nuon Chea came to
17 Battambang and had meetings with the Northwest Zone leadership
18 and, if so, can you tell us what you know about those meetings?

19 A. I only knew about it, <but> I did not know the content of the
20 meeting.

21 [11.04.50]

22 Q. Okay. I recognize it was a long time ago, Mr. Civil Party, so
23 let me read what you stated in your OCIJ interview, again
24 E3/9477, starting with answer 49. You testified to OCIJ -- quote:
25 "I knew that each arrest had an order issued from the Party

1 Centre. Before each arrest, there was a meeting led by Pol Pot
2 with Ros Nhim, and there were other meetings led by Nuon Chea
3 with Kan alias Keu. These meetings took place separately at
4 either Nhim's or Kan's house."

5 And then at answers 51 to 52:

6 Question: "Do you remember how many times Pol Pot and Nuon Chea
7 attended those meetings during that time?"

8 Answer: "I remember that Nuon Chea attended the meetings there
9 three times, once in 1976 and twice in 1977. Pol Pot attended a
10 meeting in 1976 when he travelled there by air. In addition, he
11 attended another meeting in 1977.'" "

12 Question: "How did you know that those meetings discussed the
13 arrests of people?"

14 Answer: "My older uncle, Say, told me about that because he also
15 attended those meetings." End of quote.

16 [11.06.40]

17 Does that refresh your memory, Mr. Witness? Do you remember what
18 it is that your uncle, Say, told you about the meetings that took
19 place with Pol Pot and Nuon Chea?

20 A. Nuon Chea came to chair meetings at the Battambang University,
21 and I, personally, saw him there. He was in a white shirt and <>
22 black trousers.

23 As for Pol Pot, through our radio communication, we learned that
24 Pol Pot would come but, later on, they said that it was Son Sen.

25 And Son Sen arrived at Baek Chan airfield<, the Battambang

36

1 airfield>. And I initially was informed that Pol Pot would
2 arrive, as I just said, but then, later on, it was actually Son
3 <Sen>.

4 So that is my mistake. In fact, it was Son Sen and not Pol Pot
5 as, at the time, I was informed by the military; that is, by San.

6 [11.08.28]

7 Q. And can you tell the Court who San was; what was San's
8 position in the Northwest Zone military?

9 A. San was in charge of Division 2 and later on, when he came to
10 work close to me, that is, in Zone Office 560.

11 Q. And in your OCIJ interview, you indicated that your uncle, Say
12 -- you were asked how you knew that these meetings talked about
13 arrests of people and your response was that your uncle, Say,
14 chief of the zone office, told me -- told you that because he
15 attended those meetings. Do you still remember, Mr. Civil Party,
16 what your uncle, Say, told you in regards to what was discussed
17 about arrests at those meetings?

18 A. I would like to say that San told me about Pol Pot and Son
19 Sen. Usually, as I said, Pol Pot would come, but San, later on,
20 confirmed that it was not Pol Pot, but Son Sen.

21 Regarding the meetings between Nuon Chea and Pol Pot, it was my
22 uncle, Say, who informed me about that.

23 [11.10.39]

24 Q. Okay, thank you, Mr. Civil Party. We've talked already about
25 what happened to your father and your uncle in -- later on and

1 I've showed you the S-21 records documenting that they were
2 arrested in June -- late-June 1977. How long after the arrest of
3 your father and uncle -- how long after that was it that you were
4 sent -- arrested and sent to Phnom Penh?

5 A. In fact, I made a mistake earlier. It's about three or four
6 months after their arrest; I was arrested and <also> sent to
7 Phnom Penh.

8 Q. So if your father and uncle were arrested in June 1977 and you
9 were arrested three or four months later, would that be
10 approximately September or October 1977 that you were sent to
11 Phnom Penh; does that sound about right?

12 A. Yes, that is correct.

13 [11.12.24]

14 Q. And what about other relatives of your father, can you tell
15 the Court what happened to the other people in your family or
16 other relatives on your father's side; what happened to them
17 after his arrest?

18 A. Up to today, the relatives of my father, all of them died and
19 none survived.

20 Q. And were you told what happened to your father's side; do you
21 know whether any of them were also arrested and killed like your
22 uncle and father?

23 A. Regarding the relatives and the members living in the village,
24 I was told that they were persecuted and they were subject of
25 arrest and later on, all of them were killed and after the end of

1 the war, I have not seen any of them at all. None of them
2 survived.

3 [11.14.18]

4 Q. Let's turn to the period where you were taken to Phnom Penh.
5 You've described how you were brought to the Royal University and
6 you indicated you were there -- this morning you said you were
7 there for a few months before you were brought to this three-day
8 meeting where Nuon Chea spoke. What -- what did you do during the
9 period you were at the Royal University before you were sent to
10 the meeting with Nuon Chea?

11 A. I was at the Royal University. We were allowed to rest there;
12 however, we had to write our biographies in relation to our
13 information and the information of our relatives. Later on, we
14 were sent to attend the meeting chaired by Nuon Chea.

15 Q. And when you were transported from Battambang to Phnom Penh,
16 were other people also -- did other people also come along with
17 you from Battambang to the Royal University and if so, how many
18 other people were brought from Battambang to Phnom Penh at that
19 time?

20 A. From what I saw, at the time, and if I'm not mistaken, the
21 total number of people including the elders, the youths, and the
22 <young> all came up to hundreds.

23 [11.16.28]

24 Q. And can you tell us who were these other people who were also
25 brought from Battambang to Phnom Penh; who were these other

1 people?

2 A. Some of them were former soldiers <>whose relatives <or
3 supervisors> had been arrested, so they were sent in the same
4 condition as I was<>.

5 Q. Do I understand correctly that the other people that were sent
6 from Battambang were also people like yourself whose relatives
7 had been arrested; is that right?

8 A. That is correct.

9 Q. All right. Let's talk about the meeting -- the three-day
10 meeting you attended at which Nuon Chea spoke. Was Nuon Chea the
11 only person who spoke during those three days and if not, who
12 were the other people who spoke at the three-day meeting?

13 [11.18.24]

14 A. I did not know those people and I only knew Nuon Chea. And
15 Nuon Chea spoke about the stories -- or the reasons why myself,
16 along with others, who were brought to Phnom Penh. He said that
17 we were brought to Phnom Penh by the Party in order to survive
18 from those traitors at various zones since those people at the
19 zones were planning to persecute and to kill us.

20 And my impression upon Nuon Chea's speech <> was the fact that he
21 emphasized that we all were brought in in order to survive from
22 being killed by those traitors at those zones. And this is
23 clearly what I can recall.

24 Later on, <we> were sent in various groups; for example, the
25 older people would be put in a separate group from the youths and

1 the children.

2 Q. Did you believe Nuon Chea when he said -- claimed that your
3 uncle was a traitor and that the leaders he was trying to protect
4 you from being killed by leaders of the Northwest Zone; did you
5 believe that?

6 A. No, I did not because, what he said and the real event were
7 not consistent.

8 [11.20.45]

9 Q. Just try to be clear; did Nuon Chea speak on all three days of
10 this meeting? Can you tell us how many days Nuon Chea spoke and
11 how long he spoke to you and the other people who attended this
12 meeting?

13 A. I cannot say that because at the time I was shocked <and
14 sad.>.

15 Q. Do I understand you don't remember how long Nuon Chea spoke?
16 Can you give us any estimate of how long Nuon Chea spoke over the
17 course of those three days; do you have any recollection of that?

18 A. I cannot recall how long he spoke. I know that he came to
19 speak during those few days.

20 Q. In your description of this event in your civil party
21 application -- and this is -- Your Honours, this is document
22 E3/5000; Khmer, ERN 00558234; French, 00807151; English,
23 00793364; you state - quote:

24 "In the workshop, Nuon Chea had spoken about the guilt of those
25 whom Angkar had taken to execute and told the participants that

41

1 the murdered were traitors against the Party." End of quote.

2 Do you remember, Mr. Civil Party, did Nuon Chea say at this
3 meeting that these northwest cadres accused of being traitors had
4 been smashed or killed?

5 [11.23.36]

6 A. I recall clearly that he said especially <great uncle> Say and
7 the zone cadres betrayed <the Party> and for that reason, they
8 were arrested and that those cadres killed the Party leader;
9 namely, Tou Samouth, and that is what he said.

10 Q. And do you remember whether he said because they were traitors
11 that they had been smashed, these Northwest Zone people who had
12 been arrested had been smashed; did he use those words?

13 A. Indeed, that's what he said.

14 Q. Do you remember --

15 MR. PRESIDENT:

16 Please hold on and Counsel Koppe, you have the floor.

17 [11.24.46]

18 MR. KOPPE:

19 Maybe I should have risen a bit earlier, but I can still make the
20 observation.

21 It is my understanding from the witness' testimony that he used
22 the word "smashed" in the context of the people who were
23 arrested, that they were the ones who smashed Tou Samouth. So the
24 follow-up question is, I think, not a fair question to the civil
25 party.

1 And in addition to this, Tou Samouth was killed in 1962; I say it
2 by heart, or 1960. So it's not justified to only pick on the word
3 "smash" and to put in the mouth of the witness that the people
4 including his uncle who were arrested were smashed; that Nuon
5 Chea used these words.

6 [11.25.53]

7 BY MR. LYSAK:

8 I was asking the civil party for clarification about a statement
9 in his civil party application which I just read in which his --
10 he states that Nuon Chea spoke about the guilt of those whom
11 Angkar had taken to execute and told the participants that the
12 murdered were traitors against the Party.

13 He also talks separately about the reason that his Uncle Say was
14 arrested in relation to the killing of Tou Samouth, but let me
15 just ask again so that we're clear.

16 Q. When Nuon Chea talked about these alleged traitors from the
17 Northwest Zone, including your uncle, did he say that they had
18 been killed because of their alleged activities?

19 2-TCCP-223:

20 A. Please repeat your question.

21 [11.27.07]

22 Q. Yes, when Nuon Chea talked about these people accused of being
23 traitors in the Northwest Zone, including your uncle, did he say
24 that your uncle and the others from the Northwest Zone had been
25 executed, smashed, or killed?

1 A. He did not say that. He did not say anything about other
2 people except Say.

3 As for Say, Nuon Chea accused him that during the 1950s or
4 <sixties>, Say was a messenger of Tou Samouth and Say was a
5 traitor infiltrated inside the revolution and he passed on
6 information to other people to kill Tou Samouth, who was the
7 communist party leader. And Tou Samouth was not killed during the
8 reign of Democratic Kampuchea.

9 Q. And did Nuon Chea say what had -- what had happened to your
10 uncle, Say, as a result of his alleged involvement in these
11 activities?

12 A. I did not <know> any additional information besides what I
13 said.

14 Q. Did Nuon Chea -- he -- you talked about -- you've indicated he
15 talked about people in the Northwest Zone who were accused of
16 being traitors. Did he speak of any Party leaders from other
17 regions; from the North Zone or from other parts of the country,
18 who were also accused of being traitors; do you remember whether
19 he spoke about people from regions in addition to the Northwest
20 Zone?

21 A. Nuon Chea did not speak about leaders of other zones.

22 [11.29.58]

23 Q. When you spoke about these accusations against your uncle,
24 Say, did he talk about confessions; confessions from your uncle
25 or from other people of the Northwest Zone?

1 A. No, he did not.

2 Q. How many other people were present with you at this meeting
3 where Nuon Chea talked about the alleged traitors from the
4 Northwest Zone?

5 A. There were hundreds of people.

6 Q. And do you know what happened to the other people at this
7 meeting; do you know what happened to them after the meeting was
8 over?

9 A. <> Several days <and months> after the meeting concluded, some
10 of the participants disappeared while others survived.

11 [11.31.25]

12 Q. And how did you know that some of these people disappeared;
13 can you tell the Court how it is that you knew that some of these
14 people disappeared?

15 A. I knew it because I <witnessed the real event where> I was
16 living there.

17 Q. So what happened; did you see these people being taken away;
18 did you hear that they had been taken away? Can you just tell us
19 a little bit how -- how you knew that they had disappeared?

20 MR. KOPPE:

21 Yes, I object to this question. This is an old objection to the
22 word -- to the use of the word "disappear". Disappear is a
23 neutral word in itself; it can mean anything. People could have
24 been transferred, could have been put in other positions. So
25 automatically assuming that disappearing means arresting and then

1 subsequently, being killed is -- is not correct, so I object.

2 [11.32.45]

3 BY MR. LYSAK:

4 Let me finish. Let me be more specific then. Let me finish by

5 asking you about a statement in your civil party application,

6 E3/5000; Khmer, 00558234; English, 00793364; French, 00807151.

7 This is what you said in your civil party application:

8 "After three days of the workshop session, the Khmer Rouge sent

9 those workshop participants and me back to work which we laboured

10 night and day. My workplace was named Unit 870 subordinate to the

11 central level of the upper echelon."

12 And then you say - quote: "Those who were active could survive,

13 but those who were not so would be taken to be executed."

14 [11.33.50]

15 Q. Specifically, Mr. Civil Party, why is it that you said in your

16 Civil Party Application that some of the people had been taken to

17 be executed? Why did you believe that some of these people had

18 been killed?

19 2-TCCP-223:

20 A. There was a saying, at the time, "It's no use to keep those

21 inactive people<, if you're kept, no gain. If you're pulled out,

22 no loss!"> and what happened was very much the reflection of that

23 saying. For those who were inactive in their labour or they could

24 not achieve the work quota or those who were sick a lot; for

25 example, five or six times per month<, did not perform task on

1 the regular basis>, they said that those people were inactive, so
2 that the Party's plan could not be achieved. And sooner <or
3 later>, the people would be taken away from where I lived and
4 disappeared and I did not know what happened to them, whether
5 they were killed or not. I only knew that they were removed <and
6 sent away>.

7 MR. LYSAK:

8 Thank you very much for your -- for your time this morning. Thank
9 you, Mr. President.

10 [11.35.35]

11 MR. PRESIDENT:

12 Thank you. It is now appropriate for our lunch break. The Chamber
13 will take a break now and resume at 1.30 this afternoon.

14 As we scheduled for the afternoon sessions, we will hear
15 testimony of a witness, 2-TCW-842 via a video link from France.
16 And, it is still unclear regarding the proceedings this afternoon
17 to hear the witness or the reserve witness and the reserve
18 witness seems to have some health issues. So for that reason, the
19 Chamber will reserve this civil party for the afternoon sessions.
20 <Don't send him to his accommodation yet.> In fact, in principle,
21 he should be heard for tomorrow <morning> sessions; however, due
22 to the uncertainty of the witness this afternoon, we will keep
23 him here. And in case there's the proceedings to hear testimony
24 of a witness via video link from France <> cannot be done and
25 then the reserve witness also cannot be heard, then we will

47

1 <conclude> the testimony of this civil party.

2 [11.37.05]

3 Court officer, please, during the lunch break, make necessary
4 arrangement for this <witness> and <wait for> the further
5 instruction from the Chamber whether he should be heard this
6 afternoon or he should be sent to his accommodation.

7 Security personnel, you're instructed to take Khieu Samphan to
8 the waiting room downstairs and have him returned to attend the
9 proceedings this afternoon before 1.30.

10 The Court is in recess.

11 (Court recesses from 1137H to 1358H)

12 MR. PRESIDENT:

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

14 For this afternoon, the Chamber will hear testimony of a witness,
15 2-TCW-842 via video link from France.

16 And Ms. Se Kolvuthy, is the video link has been organized?

17 THE GREFFIER:

18 Mr. President, the AV Unit has made the video link arrangement
19 and the witness is now available.

20 [13.59.25]

21 QUESTIONING BY THE PRESIDENT:

22 Thank you.

23 Q. Good afternoon, Madam Witness.

24 MS. THUCH SITHAN:

25 A. Good afternoon, Mr. President.

1 Q. Could you please tell the Chamber your full name?

2 A. My surname is Thuch and my name is Sithan.

3 Q. Thank you, Madam Thuch Sithan, and what is your date of birth?

4 A. I was born on 2nd January 1955.

5 Q. And where is your current address?

6 A. I live in Paris. I live at Number 20 in Paris.

7 [14.00.40]

8 Q. What is your current occupation?

9 A. I am a cashier at an <engineering> university.

10 Q. What are the names of your parents?

11 A. My father is Thuch Chhith and my mother is Hak Oun.

12 Q. Thank you, Madam Thuch Sithan.

13 As a witness before the Chamber, you are required to take an oath

14 or an affirmation according to your belief. Do you agree to that?

15 A. Yes, I do.

16 [14.01.38]

17 MR. PRESIDENT:

18 And Ms. Se Kolvuthy, could you please proceed with the swearing

19 of the witness?

20 THE GREFFIER:

21 Madam Witness, I now proceed with the swearing of your testimony.

22 Please repeat after me.

23 I solemnly declare that I shall tell the truth, the whole truth,

24 and nothing but the truth. Please repeat after me.

25 MS. THUCH SITHAN:

1 Shall I repeat it?

2 THE GREFFIER:

3 Yes.

4 MS. THUCH SITHAN:

5 I solemnly declare that I shall tell the truth, the whole truth,
6 and nothing but the truth.

7 THE GREFFIER:

8 Thank you.

9 [14.02.30]

10 BY MR. PRESIDENT:

11 Q. And Madam Thuch Sithan, to your best knowledge, are you -- do
12 you know whether you are related by blood or by law to any of the
13 two accused, Nuon Chea and Khieu Samphan, or to any of the civil
14 parties admitted in this case?

15 MS. THUCH SITHAN:

16 A. No, I am not related whatsoever.

17 Q. Thank you. And as a witness in the proceedings before this
18 Chamber, you may refuse to respond to any questions or to any
19 comment which may incriminate you. That is your right against
20 self-incrimination.

21 As for your obligations as a witness, you must respond to all
22 questions posed to you by the Bench or the parties and you must
23 tell the truth that you have known, heard, remembered,
24 experienced, or observed directly about an event or occurrence
25 relevant to the questions that the Bench or parties pose to you.

1 And Madam Thuch Sithan, have you been interviewed by
2 investigators of the Office of the Co-Investigating Judges; if
3 so, how many times, when, and where?

4 A. I was interviewed once in Paris in 2009. That was the only
5 time.

6 [14.04.06]

7 Q. Thank you. And before you appear at the current location for
8 your testimony, have you read or reviewed the written record of
9 your statement that you provided to OCIJ investigators in Paris
10 in order to refresh your memory?

11 A. Yes, I have <read some>.

12 Q. Thank you. And to the best of your knowledge, can you tell
13 whether the written record of your interview that you have read
14 to refresh your memory is consistent with what you told the
15 investigators?

16 [14.04.50]

17 A. The investigators came to meet me in 2009 and I spoke to them.
18 And the record is correct; however, there is one mistake. When I
19 first came to Cambodia in 2006, there were staff from the Court
20 who came to meet me <in 2006> and we had a meal at a restaurant.
21 The staff wanted to ask me some questions.

22 And last night, from what I reviewed, some answers are not
23 <entirely> correct because at the time, I was not told about the
24 details of <the questions>. However, the staff took notes of my
25 answers and in the Khmer statement, some parts are not correct.

1 I was not told that the process was taking place because the
2 staff did not tell me the truth that would be the process, so
3 some parts of the statement <> are not <entirely> correct<, that
4 is 2006 documents> .

5 Q. Thank you. However, basically, after you reviewed the written
6 record of your statement, whether the statements are correct
7 except some minor inconsistencies that you have raised?

8 A. Yes, yes, <> most parts of the statements are correct.

9 [14.06.33]

10 MR. PRESIDENT:

11 Thank you.

12 And pursuant to 91bis of the ECCC Internal Rules, the Chamber
13 gives the floor first to the Co-Prosecutors to put question to
14 Madam Thuch Sithan and the Co-Prosecutors and the Lead Co-Lawyers
15 have a combined time of two <court> sessions. You have the floor.

16 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

17 Thank you. Good afternoon, Mr. President. Good afternoon, Your
18 Honours. Good afternoon, the parties.

19 Good afternoon, Mrs. Thuch Sithan.

20 <MS. THUCH SITHAN:

21 Good afternoon.

22 MR. DE WILDE D'ESTMAEL:>

23 Thank you. I will be putting questions to you this afternoon and
24 also for about 30 minutes tomorrow, I think.

25 I would like you to be very concise in your answers. If I need

1 any further details, I'll put further questions to you.

2 [14.08.10]

3 If you are more at home in Khmer, no problem and if you prefer to
4 speak in French, I think you can also ask the President to allow
5 you to speak in French.

6 I would like to broach three subjects, essentially, with you:
7 your marriage, your meetings, and the roles of the Accused, Nuon
8 Chea and Khieu Samphan, as well as disappearances in the Ministry
9 of Social Affairs. I'll therefore, dwell on that, but for a
10 start, let me put some questions to you regarding your past and
11 what you did, essentially, between 1975 and 1979.

12 Q. Now, first question: Can you tell us when you joined the
13 revolution before 1975 and what were your reasons for joining the
14 revolution? I <don't need> a very elaborate answer to this
15 question.

16 [14.09.32]

17 MS. THUCH SITHAN:

18 A. May I now respond? Shall I respond in Khmer or French?

19 MR. PRESIDENT:

20 It is up to you, Madam Witness. If you decide to use a language
21 which is convenient for you, then you may do so since you know
22 the two languages and <it appears that> you have not used your
23 Khmer for a long time and you find it difficult, then <it is your
24 option>, but please use one language only. So once you make your
25 decision, let us know; then you will be allowed to speak <> in

1 that language.

2 MS. THUCH SITHAN:

3 Thank you, Mr. President.

4 A. At the time, I had left because my sister-in-law had asked me
5 -- at the time, I was age 16. She had come to ask my mother to
6 accompany her because she had three children who were still very
7 small; <the youngest was> age 3, <then> 5, and 7 <years old>. She
8 had come to ask my mother to allow me to accompany her to meet
9 her husband, who was my brother.

10 [14.11.24]

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. May I interrupt you, madam? As a matter of fact, you can speak
13 continuously without any breaks because there is simultaneous
14 interpretation in Khmer and English, so you should only use the
15 French channel. As such, you'll be able to speak more fluently
16 and more rapidly. Thank you.

17 MS. THUCH SITHAN:

18 A. And that is why I had left with my sister-in-law at the time.
19 And <that is why> I was in the jungle with them. Initially, I
20 thought that all I had to do was to accompany them, but I didn't
21 think <-- I could not go back>.

22 Q. Next question: Was your brother, indeed, Thuch Rin alias Krin,
23 who subsequently, after 1975, was the director of the Kampong Som
24 port?

25 A. That is <>true, that is> correct. <That is Thuch Krin

1 (phonetic).>

2 Q. Did you join the revolution in 1972?

3 A. It was in 1972.

4 [14.13.18]

5 Q. Thank you. I will now put some questions to you regarding what
6 you did after the 17th of April 1975.

7 Very quickly, what were the duties <or profession> you had after
8 the 17th of April 1975; where precisely did you work?

9 A. Initially, after Phnom Penh fell, I had to go to the Soviet
10 hospital because the medics were instructed to go there and I
11 worked <> for two to three months <to prepare medicine> since, at
12 the time, not many people understood the French language.

13 <May> I continue?

14 [14.14.20]

15 MS. GUIRAUD:

16 I think there is a problem.

17 MR. DE WILDE D'ESTMAEL:

18 Q. As a matter of fact, the difficulty is that you utter a
19 sentence and you stop for a few seconds and then you continue. So
20 ,<as I explained before,> you should just give your entire answer
21 without worrying about <whether it will be translated in real
22 time, because it will.>

23 Can you now tell us what ministry was in charge of the hospital
24 you worked for?

25 A. Initially, I worked with Dy Phon, who was a dentist, and after

1 the -- after the country fell, <his co-workers> had to go to
2 Russian hospital. I was there for about three months to arrange
3 the medicine <> because <they needed people who> knew how to read
4 French <to prepare medicine>. So I worked with the medicine for
5 three months. I had to read the labels on those medicines.
6 After that, the Ministry of Social Affairs needed people and
7 since I worked in a hospital and I <prepared> medicine with
8 another co-worker <who had the same responsibility. One person
9 was left there and> they assigned me to the Ministry of Social
10 Affairs to work with the medicines there since <> the ministry
11 needed to gather medicines from all over Phnom Penh to store it
12 in the ministry.

13 And initially, I was one of the three people in the group. There
14 was a <pharmacist> and there was another woman, who was <roughly
15 my age and we were young,> had to gather medicines and to
16 register them<. Her child was a > <pharmacist>, <and she > knew a
17 lot of pharmacies so the person took us there to collect and to
18 register those medicines and they were not yet sent to the
19 Ministry of Social Affairs. <There were three of us at that
20 time.>

21 [14.17.06]

22 Q. Thank you. I'll interrupt you and put another question to you,
23 first of all, regarding your work at the Russian hospital. I
24 believe it was known as the 17 April Hospital at the time. Who
25 was your immediate superior at the 17 April Hospital, at the

1 time, and who was the director of that hospital?

2 A. The overall chief was initially the wife of Tiv Ol and after
3 Tiv Ol disappeared, his wife remained in the hospital for five to
4 six month.

5 As for my supervisor, I worked with my co-worker<, only two at
6 that pharmacy> and I assisted my supervisor.

7 Q. Can you give us the name of your supervisor and the name of
8 the wife of Tiv Ol?

9 [14.18.30]

10 A. The revolutionary name was Bong Sei, but I do not recall the
11 native name. And a few months later, the person disappeared
12 <before I left>. I no longer saw the person or heard of the name.
13 And I worked for the Ministry of Social Affairs under the
14 supervision of Bong Sou and the person above Bong Sou was Madam
15 Ieng Thirith alias Ming Phea. Over there, I organized the
16 medicines since I knew how to read French and the medicines that
17 I registered with a <pharmacist>. Later on, I did not know the
18 <whereabouts of> the <pharmacist>, but I went <> with other
19 people to gather medicines from Phnom Penh and to store them at
20 the Ministry of Social Affairs.

21 Q. Thank you. Let us return to Bong Sei. You have stated that
22 after the arrest of her husband -- after the disappearance of her
23 husband, rather, she stayed at the hospital for five to six
24 months, that is, the 17th April Hospital; do you recall during
25 what period she, herself, disappeared?

1 Please respond as briefly as possible.

2 A. The person disappeared three or four months after 17 <January,
3 during the time that I left>. While I was there, I recalled that
4 the person <looked sad>, but I did not know the <causes of her
5 sadness. Perhaps, she was worried about the disappearance of her
6 husband. She was sad and spoke nothing> and I knew that the
7 person was so concerned about <her> own safety and since I left
8 the hospital, I no longer had any further contact with the staff
9 in that old place.

10 [14.21.20]

11 Q. Did you, subsequently, hear whether Sei, the director of that
12 hospital, was accused of any wrongdoing? As you told us, Ieng
13 Thirith and Sou were your superiors; did they tell you whether
14 she may have betrayed the Party?

15 A. I did not know anything for certain, at the time, and I was
16 not aware of any arrest, but the name Bong Sei was no longer
17 heard at the hospital. However, under which condition the person
18 was disappeared or whether the person was transferred elsewhere
19 or arrested, I do not know.

20 [14.22.26]

21 Q. You gave a rough, approximate date as to when she disappeared;
22 you said three to four months after the 17th of April.

23 We have, on record, the confessions of Sei <at S-21>, <who was>
24 also called Leng Sim Hak, and <Sei> was her revolutionary name.
25 <She was the head> of the 17 April Hospital, <the wife of Tiv Ol>

1 and she was 38 <years old>.

2 For the parties, the reference is E3/2936, <these are confessions
3 which comprise> 318 pages, and <which mention> the date of <her>
4 arrest is 17th of December 1977, and the date of execution is the
5 31st of March 1978.

6 And we also have other parts of <these> confessions, <which can
7 be found under> E3/4377 and E3/1857.

8 We also have several lists of S-21 prisoners who also mention her
9 name. The first is E3/2276 and the ERN in English is 00887842 and
10 in Khmer 00048788. There is no French.

11 The <document mentions a> date of entry into S-21, 17th of
12 December 1977.

13 Madam, does this refresh your memory as to the fact that Sei was
14 not arrested three or four months after the 17th of April, but
15 long after that?

16 [14.24.29]

17 A. I do not know for certain because I did not have any further
18 contact with that hospital. To my understanding, the name was no
19 longer spoken of after I left for the Ministry of Social Affairs
20 or the person could mainly be sent somewhere else first before
21 the person was transferred to S-21.

22 And <is this real? Personally,> after I left for the Ministry of
23 Social Affairs, I no longer had any contact with that hospital,
24 but to my recollection, the name was no longer spoken of since
25 after I left or it's because of my unavailability to contact the

1 hospital and I didn't <hear people speak of her name>?

2 Q. The dates are those that are, indeed, on record.

3 Let us now talk about your work at the Ministry of Social
4 Affairs<, also known as> K-2. Is it correct to say that Ieng
5 Thirith was in charge of all civilian hospitals in Phnom Penh, as
6 well as <of> the production of medicines, as well as <of> the
7 storage thereof?

8 A. In fact, she was in charge of social affairs, in charge of
9 hospitals, and in charge of medicine production. She was Minister
10 of Foreign Affairs or rather, Minister of Health, so she was in
11 charge of the health, as well as the social affairs.

12 [14.26.42]

13 MR. PRESIDENT:

14 Madam Thuch Sithan, could you please use one language during the
15 course of your testimony because when you use two languages at
16 the same time, it is difficult since you switch back and forth?

17 MS. THUCH SITHAN:

18 A. It is my habit. I actually want to speak Khmer, but since I've
19 been living in France for a long time, <> and unconsciously, I
20 speak French. And in fact, I like to speak <Khmer> and if I
21 inadvertently speak French, then I would follow it -- follow it
22 later on with the Khmer language. Sometimes, I don't realize that
23 I speak French and my apology for that.

24 MR. PRESIDENT:

25 Thank you. And yes, Co-Prosecutor, you may continue.

1 [14.27.52]

2 BY MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President.

4 Q. You said a while ago that your immediate superior was Sou and
5 that above her was Ieng Thirith. Can I, therefore, conclude that
6 you were a cadre of the Ministry of Social Affairs and if yes,
7 can you tell us how many people worked under your authority?

8 MS. THUCH SITHAN:

9 A. There were over 20 people, that is, when we organized the
10 medicines. However, sometimes, <> young people were sent from
11 provinces to us and they would stay there provisionally. Later
12 on, they would be sent to <hospitals'> production units. They
13 would be there for a period of time and then they left
14 <separately>.

15 When medicines arrived -- and <mostly> from China, as well as
16 <old> medicines left in Phnom Penh -- I was given a statistics of
17 the size of provinces and then I would distribute those medicines
18 proportionally <to provinces> according to the data that I <had>.

19 [14.29.34]

20 <At my work,> there was one person who was <more> fluent in
21 French, who came from France, who would come to assist me because
22 the person was more knowledgeable than me; however, the person
23 did not like that kind of work. For that reason, the person had
24 <personal> issues because the person was disappointed <>.

25 <Initially, he came and helped me much.> And to my understanding,

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1 the person was brought in to be in charge of the hospital due to
2 <high capacity>, but since he was not <quite> active -- the
3 person was not active in work performance and I had to step in
4 and organize those works. So my main duty was to distribute
5 medicines that we received.

6 As for the DUMEX medicine --

7 [14.30.49]

8 Q. I'm going to interrupt you. I'd like to have briefer
9 responses, if you can, because we have quite a limited amount of
10 time and there are still many questions to be asked.

11 You spoke about a person who came from France, who experienced
12 some problems; can you give us his name and just tell us very
13 briefly, in a couple of words, what <kinds of problems he
14 experienced>?

15 A. The person's name -- whose original name I cannot recall it,
16 <his revolution's name was Khorn (phonetic).> He came with my
17 husband and along with another man; <my husband also> came from
18 France, and <another person worked directly with> Ieng Thirith
19 <>.

20 Q. All right. We'll come back later to what finally happened to
21 <them>.

22 You were relatively highly placed in the hierarchy in the
23 Ministry of Social Affairs, if I've understood correctly; were
24 you, at any time, a member of the Communist Party of Kampuchea or
25 a candidate member?

1 A. I never entered and I was not allowed to enter either.

2 Q. So regarding the functioning of the Ministry of Social
3 Affairs, were there any large annual or bi-annual meetings which
4 brought together the many combatants and staff that were under
5 the ministry?

6 A. Yes, there were. There were meetings. There were meetings at
7 hospitals and there <were> also meetings that conducted once
8 every one-year or two years attended by people from
9 hospitals and medicine production <unit>.

10 [14.33.21]

11 Q. During these large meetings, was Ieng Thirith present; did she
12 chair the meetings?

13 A. Yes, she, along with Bong Sou, chaired the meetings, but most
14 of the time, it was Bong Sou. She was the one who came to preside
15 the meetings<. She organised> the meetings <more> than Ieng
16 Thirith.

17 Q. During these large assemblies, which Bong Sou or Ieng Thirith
18 chaired, did either of these two cadres speak of internal enemies
19 who could possibly be hiding within the Ministry of Social
20 Affairs?

21 A. Yes, they <often> said about the enemy. <Normally,> in a
22 society there was talking about such aspect.

23 Q. And at the time, who were considered to be enemies, either
24 internal or external; did Ieng Thirith or Bong Sou tell you how
25 you could tell who was an enemy and who was not?

1 A. They only said that the enemy must be smashed, but I'm not
2 sure whether there existed such a principle. But I can say that
3 during meetings, they encourage us to defend Angkar and we had to
4 do self-criticism <and criticism against one another>. We did
5 this in small meetings and during the big meetings, we also did
6 the same that we had to smash the enemy.

7 [14.36.35]

8 Q. All right. Did Ieng Thirith or Sou also talk about traitors?

9 A. Sometimes, they talked or mentioned about the names of those
10 who had disappeared. They raised the names of those who had
11 disappeared during big meetings, but there were also some
12 disappearance of people whose name were not raised during
13 meetings and I did not understand why sometimes they mention the
14 names of some people and other times, they did not mention.

15 Q. To come back to what you said, I wonder if you recognize the
16 one who worked as a driver for Ieng Thirith from the end of 1977
17 to the beginning of 1979 who was called Kham Phan or Phan Van; he
18 was the son of the secretary of Sector 105?

19 A. I did not know that person clearly, but I knew a driver -- I
20 knew the person was a driver, but I was not clear -- or, I did
21 not know clearly about the back -- the person's background.

22 [14.38.43]

23 Q. All right. I would like to read to you an excerpt of a WRI
24 that this driver, who was <examined> by the Co-Investigating
25 Judges; <it is document> E3/447, answers 14, 31 and 32.

1 And before citing that excerpt, <for context>, I want to say that
2 he spoke of the arrest of Sou and Yeay Pak, who was the head of a
3 medicine factory, and <who says he drove them> to K-7 <himself>,
4 <to the> messengers' <office>, and this is what <Kham> Phan said
5 in answer 14: "After having met with the Ministry of Social
6 Affairs, Yeay Phea said that these two people were traitors",
7 reading a memo from K-3.

8 Question 31: "<Did> Madam Ieng Thirith hold a meeting on the
9 purges in order to follow up on the persons who were to be
10 arrested?"

11 And Kham Phan's response, "At the time, the follow-up meetings
12 occurred regularly. This is when people <spied on each other> in
13 order to <detect> the enemies <who> had infiltrated them."

14 [14.40.18]

15 <Answer> 32: "We learned this through various documents,
16 documents on specific situations, on fighting against the
17 Vietnamese, infiltrated enemies, experiences of various
18 provinces, and the confessions of various people. Yeay Phea gave
19 these courses herself." End quote.

20 What is your reaction to this? You, yourself, spoke about the
21 fact that Ieng Thirith had cited some names and sometimes, did
22 not cite the names <of those who had disappeared,> so does what
23 Kham Phan said seem correct to you?

24 A. For example, during a meeting, to my recollection, there was a
25 person who was a dentist. He was a student of Dy Phon. After the

65

1 fall <17 January, his name was mentioned, but some> disappeared;
2 for example, the New People< who were needed initially>. I saw a
3 family <, the couple and children> of New People; they
4 disappeared and their disappearance was not mentioned. I don't
5 know whether it was a serious case or light case<, enemy or not
6 enemy>. They were taken away <to be tempered or to be> smashed
7 <>.

8 [14.42.10]

9 MR. PRESIDENT:

10 Madam, you said the incident happened whether -- after 17 January
11 or 17 April <?> <You said 17 April, the fall of Phnom Penh.>
12 Maybe you got confused with the date. Perhaps it was after 17
13 April 1975.

14 MS. THUCH SITHAN:

15 A. Yes, it was in April. <When the Khmer Rouge gained victory>
16 was on the 17 of April.

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Perhaps, just one final question. I don't know if Mr.
19 President would then like to take the break <afterwards>.
20 Kham Phan spoke about the fact that there was a time when people
21 were <spying on each other> in order to find enemies who had
22 infiltrated them; were you still at the ministry during this time
23 and can you tell us if you agree with him, <and> as of when <this
24 environment took hold> in the ministry?

25 [14.43.20]

1 MS. THUCH SITHAN:

2 A. When people in the ministry started to investigate on each
3 other, the situation of such incident intensified <> in
4 <>1977<and> 1978 <before my husband was taken away>. In 1976, the
5 situation was not tense yet, so when the situation became
6 intensified <in '77 and '78 when more and more people
7 disappeared. It was tense>, I, myself, was also monitored and
8 investigated because I had a husband who were to be taken out.
9 And during that period, the <living> situation <there became more
10 difficult,> our mentality became tense because we were under
11 monitored by each other. < I was afraid of others and they were
12 also afraid of me.>

13 [14.44.31]

14 Q. Before changing topics and speaking about your marriage, did
15 you ever hear Ieng Thirith, during these <big> meetings or in
16 small meetings, or even just conversations with you, did you ever
17 hear her talk about the <Vietnamese, the hereditary enemies
18 referred to as> "Yuon"?

19 A. Yes, she talked about the "Yuon". <Generally, there were three
20 things.> She talked about the "Yuon", the American, the CIA, and
21 the KGB of Russia. These were the three groups that she talked
22 about. The "Yuon" was, in fact, the last group. In fact, the
23 groups that they were really worried about were the CIA and the
24 KGB<, "Yuon" was next>.

25 Q. Did she ever, in front of you, blame the Vietnamese for having

1 infiltrated the ranks of her own ministry?

2 A. She did not talk about whether the "Yuon" embedded within the
3 ministry, but generally, there were them who hidden <> in the
4 environment all around us. <Generally, it was said that enemy was
5 around us.>

6 MR. DE WILDE D'ESTMAEL:

7 Mr. President, I would like to begin speaking about the marriage
8 of the witness; should I continue or not since we were a little
9 late in starting?

10 MR. PRESIDENT:

11 (Microphone not activated)

12 [14.46.49]

13 BY MR. DE WILDE D'ESTMAEL:

14 Q. So Madam Witness, we will be coming back later to the subject
15 of disappearances within the Ministry of Social Affairs, but
16 concerning your marriage, could you tell us in which period,
17 which date, and which year your marriage took place and where the
18 wedding was held?

19 MS. THUCH SITHAN:

20 A. I got married in 1976; it was in September. In September, that
21 was in late-1976late 1976. The <wedding> took place at the
22 Ministry of Social Affairs office<. That time,> there were three
23 couples arranged to marry on that day. <Two couples>, my couple
24 and another <one, came> from France; the name was <Khorn>
25 (phonetic), the person who was working with me>. <Another couple

1 was a Cambodian there.> There were three couples. Bong Sou <> was
2 presiding over the ceremony. She acted as our parents during the
3 wedding.

4 Q. Was this the first collective wedding that was organized
5 within your ministry or had there already been others before?

6 A. I cannot recall it well. I cannot recall it well, but at that
7 time, there were three couples who were arranged to marry on that
8 day, but later on there was also <an arranged> marriage <>but I
9 cannot recall it well as to how many couples <married before
10 mine>.

11 [14.49.33]

12 Q. Why, as far as you know, were these weddings arranged? What
13 goal was Angkar pursuing with these marriages? Did Sou or Ieng
14 Thirith talk to you about this?

15 A. They did not tell us about that, but they said that Angkar
16 acted as our parents during the wedding ceremony.

17 People of my age who were in their twenties, either from the
18 hospitals or the Ministry of Social Affairs, they were arranged
19 to get married by Angkar. It was Angkar who was the one deciding
20 who to marry who. And, based on my understanding, because we were
21 in our twenties, it was the appropriate time to get married, and
22 it was Angkar who decided on our marriage. We reached the age for
23 marriage but there was no policy allowing us to get married to
24 the one whom we love. The one whom we would marry were decided by
25 Angkar.

1 Q. Were you ever told that Angkar had the intention of rapidly
2 increasing Cambodia's population?

3 A. No, they did not say so. I never heard such statement.
4 [14.51.30]

5 Q. Who first spoke to you about the fact that you would be
6 getting married?

7 A. The person who came to tell me first was the one who worked
8 with me. Her husband worked with Bong Sou in the Ministry of
9 Social Affairs.

10 In the Ministry of Social Affairs besides Ieng Thirith, Bong Sou
11 was the chief of the office and there was another person who was
12 Bong Sou's deputy who was a Khmer Loeu and his wife was also a
13 Khmer Loeu. She came to <ask> me that Angkar now wanted to
14 arrange marriage for me so whether I agree or not. So it was the
15 person who worked with me whom was the wife of Bong Sou's
16 deputy.<That was not Bong Sou or Ieng Thirith who asked me.> She
17 was Khmer Loeu, ethnic Khmer Loeu, and she <was> the one who
18 <asked> me.

19 Q. Did Sou herself also speak to you of this before your
20 marriage?

21 A. No, she didn't.
22 [14.53.25]

23 Q. You spoke earlier about the fact that you did not have a
24 choice, there was no policy for marrying the person that one
25 loved. And when you were told that you would be getting married,

1 did you know whom you would be marrying or, at least, when did
2 you learn who you would be marrying?

3 A. <> Initially, I refused because I did not love my husband. I
4 told her that I did not want to have a husband yet. Later on, she
5 came to ask me again and when she came to ask me again, I told
6 her that if Angkar really wanted me to get married, Angkar had to
7 ensure to me <>about the background of my husband.

8 Although my husband came from France, <I did not tell people that
9 he came from France,> I did not know whether he already had a
10 wife <. I had no suspicion that he was a CIA but my utmost
11 concern was> whether he <already> had a <wife or a> French
12 <girlfriend>. I was reluctant at that time. I could not get
13 married to someone whom I did not know clearly. I met him only
14 once <or twice> and we <worked> separately.

15 So during the first request or approach, I refused, but during
16 the second approach, I told her that if Angkar wanted me to get
17 married, Angkar had to guarantee to me. <At that time, there were
18 no traitors or intellectuals who were the people who came from
19 France. However, what> I concerned was not about whether he came
20 from France or not but whether he had a wife or a <girlfriend>
21 before that. Because he used to live in France, so I did not know
22 whether he had a French girlfriend. <Among his three friends, one
23 of them used to live with a French woman in France before he came
24 to Cambodia. That was my concern.>

25 [14.56.06]

1 MR. PRESIDENT:

2 The Chamber would like to inform parties that the Chamber will
3 not take a rest during this afternoon's session because we need
4 to compensate for the time we lost <for Co-Prosecutors and Civil
5 Party Lead Co-Lawyers> during the early sessions. And that this
6 the first point that the Chamber would like to inform.

7 And the second point is that the Chamber would like to instruct
8 to the WESU and Court officer to arrange for the travel to the
9 accommodation of civil party 2-TCCP-223 and please bring him back
10 to the courtroom tomorrow morning <at 9.00>.

11 And now you may proceed, Co-Prosecutor.

12 [14.57.00]

13 BY MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. President.

15 Q. Madam Witness, you said in your WRI with the investigators
16 from the OCIJ at E3/5305; <the page> in French, 0342208; in
17 Khmer, 00349555; and then English, 00345228 going onto 29, you
18 said the following:

19 "Madam Sou, my supervisor, decided, following Ieng Thirith's
20 <approval>, that I should get married with Vasai. At this time
21 under the Khmer regime, it was the leaders, the authority
22 figures, who decided this type of thing. We were not allowed to
23 choose who we wished to marry. I, myself, was <somewhat attracted
24 to> the personal secretary of Ieng Thirith, but I <could not
25 oppose> this decision and I absolutely could not allow myself to

1 show or have any type of romantic relationship with a man because
2 that was a crime." End quote.

3 So in this excerpt, you're saying that it is Madam Sou who
4 arranged your marriage with the approval of Ieng Thirith.

5 Can you explain to us when you learned that it was Sou and Ieng
6 Thirith who had decided on your behalf who you would be marrying?

7 [14.59.07]

8 MS. THUCH SITHAN:

9 A. Before the decision was made for me to marry, about three or
10 four months before that I was approached and asked about the
11 wedding.

12 In fact, I had a love feeling toward her secretary because I met
13 him more often and his appearance was also better than my
14 husband<-to-be>, but I had no choice to make regarding the
15 selection of my own husband.

16 I had to force myself to get married to my husband because <I
17 thought again> if I refused I would be arranged to get married
18 with workers or farmers<. I felt difficult in that regards.
19 Before> Bong Sou <wanted me to marry, I heard> that she also
20 wanted me to get married with a driver who transported supplies
21 to the kitchen.

22 For me, <frankly speaking,> I could not get married to an
23 illiterate person. So when I could not get married to the person
24 whom I loved, <I had no choice of love,> I <agreed to> get
25 married <to him because he> was an intellectual. I decided to get

1 married to him. He was an educated person, not an illiterate one.
2 <I consulted this with another pharmacist who was working with
3 me. She suggested me to marry him because he was an intellectual.
4 Therefore, I thought that although> I did not love my
5 <husband-to-be>, I had to get married to him. It's better to get
6 married to him than to marry the illiterate person.

7 [15.01.19]

8 Q. In the process that led to the celebration or the solemn
9 declaration you made regarding marriage, did Ieng Thirith say
10 anything? <Did she talk to you or> convince you to get married?

11 A. She did not. It was Bong Sou and, in fact, I did not have a
12 direct communication with Ieng Thirith, I only had contact with
13 Bong Sou who was my immediate supervisor. I never heard Ieng
14 Thirith say anything in this aspect and, to my knowledge, Bong
15 Sou knew my husband <previously>. Bong Sou <said> that in the
16 past in Phnom Penh, Bong Sou knew my husband and his <parents>.
17 So Bong Sou <often> spoke to me about <my husband-to-be> before I
18 got married.

19 Q. And <were> your family members as well as your brother, Thuch
20 Rin, <able to> attend your wedding?

21 A. No, they did not <participate>, and they did not know my
22 husband as well, since after I left <>, I never had any further
23 communication with my <elder> brother. I did not have time to
24 visit my <siblings and> parents since <> I left them in 1972.

25 [15.03.14]

1 Q. During the marriage celebration, you did say that it was Bong
2 Sou who had <presided over> the marriage. What did Bong Sou say
3 on that occasion? Did she deliver a short speech, did she say
4 anything as to the expectations of Angkar of the couples who were
5 married on that day?

6 A. No, she did not say much. She <said> that we were lucky that
7 we got married during the periods that Angkar organized such
8 marriage for us.

9 Q. During the celebration of the marriage or the oath-taking or
10 thereafter, did you receive any explicit or implicit instructions
11 to consummate the marriage?

12 A. No, the matter was not raised. During the times, this matter
13 was not spoken of. This is in French morality or the morality
14 issue that is in term of consummation of marriage, such matter
15 was not spoken of.

16 [15.05.00]

17 Q. As such, had the authorities at the ministry organized or made
18 arrangements for the different couples to sleep together on the
19 wedding night, and subsequent nights?

20 A. No.

21 Q. I'll try to be clearer and I'll perhaps quote what you
22 <already> told the investigators, and it is WRI E3/378 and the
23 page in Khmer is 00349539 <to> 40. In French, it is 00342203, and
24 in English, 00345541. And this is what you stated, and I quote:
25 "Let me point out to you that my spouse and myself during that

1 period lived separately. I was housed with the others in a
2 building of the Ministry of Social Affairs. My husband was also
3 living somewhere else, but when we needed some intimacy far from
4 the others, Mrs. Sou gave us a room in her home. As from the day
5 when I heard of the disappearance of Vasai's family, Mrs. Sou
6 asked us to no longer come to her place with my husband." End of
7 quote.

8 In this <excerpt>, it does appear, nevertheless, that Mrs. Sou
9 played a role in assisting you to have some moments of intimacy.
10 Did she do the same for the other couples who got married on the
11 same day as yourself?

12 [15.07.23]

13 A. I was at her house because it was <like a> villa;<the big
14 house.> I lived on the upper floor. And there was another room on
15 the upper floor, and there was a woman who got married to <Khorn
16 (phonetic)> who came also from France. She was one of the three
17 couples. We were in a separate room from this couple; however, we
18 were on the same floor.

19 And another couple lived elsewhere in another house. And Bong Sou
20 told me that her parents and siblings were taken away, so she
21 told me to stop living there and that I should go to live in
22 another house, and that is the house that the third couple was
23 living. It was kind of a flat while <Bong> Sou's house was a
24 villa.

25 Q. Very well. Following your marriage in September 1976, when

76

1 exactly did you become pregnant and when did you have your baby?

2 [15.09.00]

3 MR. PRESIDENT:

4 Witness, please hold on. Defence Counsel Koppe, you have the
5 floor.

6 MR. KOPPE:

7 Yes, Mr. President. It's all very interesting evidence, but I
8 thought -- and I've said this many times before now -- that we
9 are in the segment about the role of the accused.

10 First, we hear questions about the Ministry of Social Affairs.

11 Now, we hear questions about the marriage of this particular
12 witness. We can -- why are we hearing this person in this last
13 segment when there are so many more important witnesses such as
14 Heng Samrin, for instance, who could testify?

15 [15.09.58]

16 MR. DE WILDE D'ESTMAEL:

17 If I may respond, Mr. President, thank you.

18 I started with marriages and I will talk about the Role of the
19 Accused and any meetings the witness may have had with the
20 Accused. I will also talk about other disappearances and arrests
21 at the ministry <because they> are directly related to S-21.

22 There are three themes that are squarely in the scope of this
23 trial and I <believe that I have the freedom> to broach those
24 topics in <whichever order I chose>, and this witness has been
25 placed by the Chamber within the framework of the Role of the

1 Accused. That is a choice I respect.

2 The Prosecution had proposed that this witness should testify on
3 Internal Purges <and on> marriages. So I <still> have a couple of
4 questions on marriages and then I <will> return to the Role of
5 the Accused, Mr. President.

6 [15.11.03]

7 MR. PRESIDENT:

8 Yes, you may proceed; however, the observation by the defence
9 counsel is valid because the scheduling to hear the witness is
10 according to the segment of <specific> facts <>which your
11 questions should focus. As for other facts, they are secondary.
12 So please use the time effectively and if you talk about
13 relevancy, everything is related to one another because all those
14 facts occurred throughout <Cambodia>, but you need to respect the
15 scope of the trial as well as the facts that are being tried.
16 So, please, your questions shall be prioritized according to the
17 main facts, and please use the time wisely.

18 And here we try not to have a short recess in order to compensate
19 for the time lost because of concerns that if the witness cannot
20 be heard according to the way we schedule, it's going to have a
21 further impacts on the AV Unit, for example, and on the recalling
22 of other civil parties. <Each come and go back, and after several
23 days, they come again.> And that is not a good thing. <Of course,
24 you have rights but you also need to respect necessary conditions
25 of others.>

1 <>

2 [15.12.29]

3 BY MR. DE WILDE D'ESTMAEL:

4 Very well.

5 Q. Just one last question <and we will come back to> the
6 consequences of <this> marriage later.

7 Did you become pregnant and when did you have your baby?

8 MS. THUCH SITHAN:

9 A. Five or six months after I got pregnant that I delivered my
10 baby in January. My baby was born on 13 January '78.

11 [15.13.35]

12 Q. Now, I'd like to broach another topic, that of your meetings
13 including meetings with Nuon Chea and Khieu Samphan, if you did
14 have such meetings and the role of those persons in Democratic
15 Kampuchea; what you <learned>, what you saw, and what you
16 witnessed.

17 Did you see Nuon Chea during the Democratic Kampuchea regime and,
18 if yes, on what occasions?

19 A. Yes, I saw him two or three times. The first time it was in
20 1975 when I went to register medicines <in> the Phnom Penh <>.

21 The three of us saw him, and at the time, I did not know who Nuon
22 Chea was. He came in a jeep with his bodyguards and his driver.
23 He came to see us.

24 At the time, there were no people living in Phnom Penh, so when
25 we were outside <from where we registered> the medicines, he

1 asked us where we came from and we told him that we came from the
2 Ministry of Social Affairs. And that <was> my first encounter
3 with him in '75, that is, five or six months after we came to
4 Phnom Penh.

5 And the second encounter, it was during a meeting in 1976. There
6 were many meetings <and> the situation <in Cambodia> was <not
7 much> tense, and there were many participants in the meeting <but
8 I did not know how many of them>. I only knew my colleagues <.
9 There were old and young people who> came from <all> the
10 ministries<.>

11 [15.15.48]

12 <In this second time> , he was the one who spoke <in the
13 meeting>. He spoke about Cambodia's situation. <I saw Nuon Chea>
14 and at the time I did not know Pol Pot or other people, but I saw
15 him speaking.

16 And my third encounter <, I saw him> when <we were talking about
17 the organisation of medicine. I saw him another time while> he
18 came to the Ministry of Social Affairs. At that time, I had known
19 <Bong> Sou already and he came to see Bong Sou, so I saw him
20 coming to see Bong Sou.

21 And these are the three encounters that I saw Nuon Chea.

22 Q. Now, regarding chronology and as regards, basically, the third
23 meeting, the third time you saw him that was at K2. Was that
24 before or after the meeting of 1976 when he took the floor?

25 A. I cannot recall it clearly whether it was before or after

80

1 because at that time people were not put in different categories
2 yet. <Since it was a recent victory,> there were <several>
3 meetings where a lot of - where hundreds of participants
4 attended; could be the number of participants could run into
5 <3,000, as I knew>, and that happened in 1976.

6 The first time I saw him I did not <notice> who he was because I
7 did not know of his position of his senior leadership.

8 [15.18.10]

9 Q. When he came to the ministry, that is, K-2, did he also go
10 there to attend a meeting? You have stated that he came to see
11 Bong Sou. Did he also attend a meeting that you, yourself,
12 attended?

13 A. No, not at the time, and I did not know whether a meeting took
14 place, <we all were> outside. <That time, I did not know whether
15 Ieng Thirith came, and> before the Ministry of Social Affairs
16 was fully established, I had not known Ieng Thirith in person. <I
17 knew only Bong Sou.> So when I saw him <the first time>, he was
18 walking to see Bong Sou who was in charge of that office. And
19 allow me to confirm whether -- I didn't know whether there was a
20 meeting or not because Bong Sou was in charge there. He went to
21 see Bong Sou, and there were no other people there that he could
22 see because, besides Bong Sou, there were only young <> people.

23 [15.19.50]

24 Q. Did Bong Sou or Yeay Phea, that is, Ieng Thirith, tell you
25 about the relations that existed, if at all there was such

1 relations, between the Ministry of Social Affairs and Nuon Chea?

2 A. No, they never mentioned of that.

3 There were two types of meetings during the regime. The first
4 meeting is for those who were Party members and <another type of
5 meeting was for the public.> I attended <the second one> because
6 I was not a Party member, and for that reason I did not know
7 <anything> concerning the secrets of the Party.

8 And as for general meetings, everyone could attend, and I also
9 participated in such meetings.

10 [15.21.20]

11 Q. On record, we have E3/1733, that is, a record of a meeting of
12 the Standing Committee of 9 October 1975.

13 On the first page it said, in all three languages, that Comrade
14 Sou, secretary in charge of work of the Party's Social Affairs,
15 Culture, Propaganda and Education, whereas Comrade Phea was in
16 charge of Culture, Social Affairs, and Foreign Affairs, and the
17 name of Comrade Phea appears on page 2 of this document.

18 Can you confirm that you were never informed of the fact that
19 Nuon Chea had any authority over the Ministry of Social Affairs?

20 A. I did not know because they never said anything about that,
21 however, there was one instance that there was a woman who was
22 <an interpreter and she was> Khmer-Chinese <> and <>I knew that
23 her husband was in prison <for long> during the Samdech regime.
24 Later on, her husband was released and her husband went to work
25 with the Khmer Rouge in the jungle.

1 [15.22.55]

2 The woman did not live with us <as young persons> in the flat,
3 however, she lived in a villa with her husband and she <said>
4 that her husband worked with Bong <but I did not know who she
5 referred to>. And one day, she <said that> she no longer had a
6 right to live in that villa because when Nuon Chea <passed that
7 house> in his vehicle and asked who live in that big house and
8 <it was told> that she was living there <and> her husband <often
9 came to see her there. And> then Nuon Chea said she was no longer
10 allowed to live in that house<. And> for that reason she could
11 come and live with us and only when her husband came then she was
12 allowed to <stay with> her husband in that house.

13 And that was the same thing regarding my <case, from time to
14 time>, <>I would <meet> at Bong Sou's house and <> I saw that
15 Nuon Chea was powerful because he could remove the woman from
16 living in that house and that she had to come and live with us,
17 <even though her husband also worked with the top Angkar.>
18 So it means that he even has more superior rights than Ieng
19 Thirith because Ieng Thirith was above Bong Sou. So I thought to
20 myself that Nuon Chea had a superior role although I did not know
21 in detail.

22 [15.24.42]

23 MR. PRESIDENT:

24 Please wait for one minute as we have to change the disc.

25 (Short pause)

1 [15.25.15]

2 MR. PRESIDENT:

3 Deputy Co-Prosecutor, you may resume.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. Madam Witness, did Ieng Thirith often leave the ministry, to
6 your knowledge, to attend meetings with her superiors or
7 superior? Did <Sou ever tell you about this? Did> Ieng Thirith
8 ever tell you about this? Were you able to hear anything in that
9 regard?

10 MS. THUCH SITHAN:

11 A. No, this matter is far distance from me. I was never told
12 about any meeting.

13 Q. Did you ever hear of other places, apart from K-2, called K-1
14 or K-3?

15 A. I do not understand your question. However, I know that K-1
16 was her husband's ministry and K-2 was her ministry. So what is
17 actually your question?

18 [15.27.02]

19 Q. I wanted to know whether you ever heard of K-1 and K-3 and
20 what they meant, and also whether you knew who worked there and
21 lived there?

22 A. I never went to K-1 although I know that it was a Ministry of
23 Foreign Affairs of Ieng Sary. As for K-3, I am not that familiar
24 with K-3. It could be for hospital.

25 Q. Don't you think you're mixing K-1 with <B-1>?

1 A. Yes, maybe. Okay, <K-1> was the medicine production place.
2 As for <K-3> I am not that familiar with <it> although I know
3 that there was a laboratory, which was under the charge of her
4 <youngest> daughter. It was located at the Chrouy Changva. And
5 the second daughter or the youngest daughter --

6 [15.29.00]

7 Q. <It's okay. I will move on.>

8 Madam Witness, did you ever attend a meeting with the highest
9 officials of the CPK and cadres of the Ministry of Social Affairs
10 in order to do an assessment of an entire year of the work of the
11 ministry and, if not, did you ever hear anybody talk about that?

12 MR. PRESIDENT:

13 Witness, please hold on. Counsel Koppe, you have the floor.

14 MR. KOPPE:

15 Yes, Mr. President, I object to this question. Witness has just
16 indicated that she was never a member of the CPK, never became a
17 member of the CPK, so she couldn't possibly say who would have
18 been the highest-ranking CPK officials. So it's asking for
19 speculation.

20 MR. DE WILDE D'ESTMAEL:

21 Mr. President, my question was different. I wanted to know
22 whether she attended any meetings with officials of the CPK and
23 members of the Ministry of Social Affairs with a view to carrying
24 out an assessment of the <the ministry's work for the entire
25 year>. And I said if she had not attended such meetings, did she

1 at least hear anybody talk about them.

2 [15.30.35]

3 MR. KOPPE:

4 Being not a member of the CPK, she cannot say anything about who
5 is a CPK member. It's not like they had it on their shirts or
6 something.

7 JUDGE FENZ:

8 But somebody could have told her. I think that was the
9 prosecutor's point. So why don't we let him see if he gets to an
10 answer.

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. Madam Witness, did you ever hear of this type of meeting,
13 bringing together the secretaries and the deputy secretaries or
14 other leaders of the CPK with <highest level> cadres from the
15 Ministry of Social Affairs?

16 [15.31.26]

17 MS. THUCH SITHAN:

18 A. I did not know regarding that issue. As I told you earlier
19 that when <> I <did not become their> Party member<>, I had no
20 right to attend the meeting <because there was separation of
21 general meeting and party meeting. I therefore did not know what
22 the content was about since I was not part of Communist> Party<>.
23 I attended only the general meeting.

24 So I was not aware of the secrecies in those meetings.

25 Q. So I will come back to the meeting of '76, the large meeting

1 where you said that Nuon Chea had spoken.

2 Could you tell us what was the occasion for holding this meeting,
3 where did it take place, and how many participants were there?

4 A. It was in Phnom Penh, but I did not know the specific location
5 in Phnom Penh because I went with other people.

6 It <was very recent that> the Khmer Rouge won the victory. There
7 were a large number of people attended the event<, I did not know
8 the number, they did not say who were the party members or who
9 were not.> During that large gathering they said <> now the Khmer
10 Rouge received the victory.

11 The situation was not tense yet. Whoever participated in the
12 movement -- because I was not considered as the category of New
13 People, <even I was not a party member, I was not a New People,
14 New People were those who evacuated from Phnom Penh.> I had the
15 right to attend that large gathering during which we were told
16 about the victory. <That was the only meeting.>

17 [15.34.00]

18 Q. And just to better understand, you talked about '76 earlier
19 and also of the victory; perhaps it was the 17 April victory. Do
20 you mean to say that this meeting took place in '76 but was
21 talking about and concerning the <anniversary of the victory,> or
22 am I wrong about that?

23 A. I did not understand the question clearly. Let me think. It
24 was maybe my confusion. Yes, it was in 1975. The meeting took
25 place shortly after <the fall of Phnom Penh when> the Khmer Rouge

1 entered the city.

2 Q. Do you remember what Nuon Chea spoke about on this occasion,
3 aside from congratulating everyone on the victory? More
4 particularly, did he speak about what would happen to the Lon Nol
5 soldiers and authorities?

6 A. He did not say about that, but to my understanding, to my
7 understanding, there were separate meetings for those who were
8 Party members and those who were not.

9 To my understanding, those who were officials of the Lon Nol
10 regime were not spared.

11 [15.36.20]

12 Q. <Last topic. Regarding the relationship between> Ieng Thirith
13 and Nuon Chea, I would like to get your reaction about whether
14 Ieng Thirith <herself> spoke about <this relationship>, <well>
15 before <she was> considered <unfit to participate> in the trial.
16 <This is what she said, notably - she spoke about it a lot>, but
17 in the transcript <of the> hearing of the Pre-Trial Chamber of
18 the 24th February 2009, which is E3/39, this is what Ieng Thirith
19 said around 1159H:

20 "All of my students were arrested and executed and this was all
21 Nuon Chea's fault. Don't lump me together with Nuon Chea because
22 he's the one who destroyed my students. This was unfair. Nuon
23 Chea, he's the one who did these things."

24 [15.37.25]

25 And I continue at 1205H. Ieng Thirith also said -- please allow

1 me if you would, Mr. President, to conclude:

2 "When Nuon Chea brought my students to be killed by Kaing Guek
3 Eav, this is when I knew or began to know what was going on and
4 who was doing what. There was still one student and I entrusted
5 him with the task of leading and doing the <office> work. All of
6 the others who had participated in repairing the pharmaceutical
7 factories and the hospital had already been executed." End quote.

8 So my question is as follows: During the Democratic Kampuchea
9 period, did you ever hear Ieng Thirith talk about bad relations
10 or poor relations with Nuon Chea? <Did she ever complain at the
11 time the cadres from her ministry were arrested, or the people
12 whom she referred to as her "students"?

13 [15.38.35]

14 MR. KOPPE:

15 Yes, Mr. President, I object to this question. Not sure where to
16 begin even; this is wrong on so many levels.

17 First of all, the Prosecution is reading something that Ieng
18 Thirith said before the Pre-Trial Chamber many, many years after
19 the facts, in a state that we all know wasn't a state of mental
20 fitness.

21 According to this statement from the Pre-Trial Chamber, when she
22 was in such state is, I think, absolutely out of order. Of
23 course, in addition it is completely leading by saying -- by
24 reading this to the witness first and then ask for a comment.

25 So I think, at least on these two points, the question should be

1 forbidden.

2 MR. DE WILDE D'ESTMAEL:

3 Mr. President, regardless of what one can think about the state
4 of health of Ieng Thirith in 2009, I believe that it is only in
5 2012 that she was declared <unfit> to <sit> trial.

6 <Until then,> all the tests that <had been> administered were
7 favourable and the doctors said that she <was fit> to assure her
8 defence.

9 <I am surprised that> it is the lawyer of Nuon Chea who is saying
10 that we're reading someone's testimony or someone's statement and
11 then <is asking> for reactions to it. <The Nuon Chea defence team
12 does this all the time.>

13 I would like to ask your permission, Mr. President, to continue
14 <with this question>.

15 [15.40.40]

16 MR. PRESIDENT:

17 The Chamber overruled the objection by the defence counsel. The
18 question is allowed, and the quote is also allowed because that
19 statement was made before the doctor said that she was mentally
20 unfit <in the proceeding>.

21 Therefore, Madam Witness, you are allowed to answer the question
22 if you can still recall the question.

23 MS. THUCH SITHAN:

24 A. Yes, I can answer that question.

25 At that time, I did not know who ordered the taking away of my

1 husband, but Bong Sou told me that Angkar required to take the
2 three individuals from France away, and Bong Sou told me to keep
3 it to myself, not to tell other people.

4 [15.41.51]

5 <However, Ieng Thirith went to meet Bong or Angkar. But> I did
6 not know who that Bong was but I thought that it was probably Pol
7 Pot <rather than Nuon Chea>. There were many "Bongs" during that
8 regime and I did not know all the positions they held.

9 And Bong Sou told me that <Bong Phea> would approach and
10 requested <> Bong to <spare> my husband <because I was a younger
11 sister of Thuch Rin and also I was pregnant while other married
12 women were not pregnant>. So Ming Phea went to see Bong in order
13 to <ask> Bong to spare my husband<. As a result, the first time,
14 my husband was spared, but the other two> disappeared.

15 <Later my> husband was removed from the medicine production
16 facility. He no longer worked there, and he was put to work <as a
17 letter dispatcher> of Ming Phea. <He served like the one who used
18 to dispatch letters but already left.>

19 My apology, I did not get the voice clearly from the other end.

20 [15.43.34]

21 MR. PRESIDENT:

22 Please wait a moment because there is some technical issue.

23 MS. THUCH SITHAN:

24 Yes, <> there was technical issue because there was no voice and
25 pictures.

91

1 (Technical problem)

2 [15.56.50]

3 MR. PRESIDENT:

4 Due to technical issue, the Chamber <could not solve it now. The
5 Chamber> would like to inform parties that it is now convenient
6 time for the adjournment.

7 The Chamber will resume its hearing tomorrow, 22 November 2016
8 from 9 a.m.

9 The Chamber will hear the testimony of 2-TCCP-223 in the morning
10 and continue to hear the testimony of Madam Sithan via
11 video-conference in the afternoon <from France>.

12 Madam Thuch Sithan, the Chamber would like to thank you, and your
13 testimony today is not yet concluded. You are therefore invited
14 to come back tomorrow and testify at the same time.

15 [15.57.50]

16 MS. THUCH SITHAN:

17 Is it tomorrow?

18 MR. PRESIDENT:

19 Yes, it is at the same time. It starts from 1.30 time in
20 Cambodia.

21 Security personnel are instructed to bring Khieu Samphan and Nuon
22 Chea back to the detention facility and have them returned to the
23 courtroom tomorrow morning before 9 a.m.

24 The Court is now adjourned.

25 (Court adjourns at 1558H)