



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 March 2015

Trial Day 256

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

The Accused: NUON Chea
KHIEU Samphan

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UCH Arun
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I N D E X

Mr. NEANG Ouch alias Ta San (2-TCW-803)

Questioning by Mr. Suon Visalpage 5
Questioning by Mr. Koppe.....page 11

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. MOEURN Sovann	Khmer
Mr. NEANG Ouch (2-TCW-803)	Khmer
The President (NIL Nonn, Presiding)	Khmer
Ms. SONG Chorvoin	Khmer
Mr. SUON Visal	Khmer
MR. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0907H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the testimony of a witness named

6 Neang Ouch. And the defence counsel will put questioning to this

7 witness today.

8 The greffier, Ms. Se Kolvuthy, could you report the attendance of

9 the Parties and individuals to today's proceeding?

10 THE GREFFIER:

11 Mr. President, for today's proceeding, all Parties to this case

12 are present.

13 As for Nuon Chea, he is present in the holding cell downstairs as

14 he requests to waive his right to be present in the courtroom.

15 His waiver has been delivered through the greffier.

16 [09.08.49]

17 The witness who is to testify today -- that is, Neang Ouch,

18 confirmed -- this witness and his duty counsel is -- are present

19 today in the courtroom and the reserve witness today is

20 2-TCW-948. To the best of the knowledge, this witness has no

21 relationship by blood or by law to any of the two Accused: Nuon

22 Chea or Khieu Samphan, nor to any of the civil parties admitted

23 in this case. This reserve witness has taken an oath already and

24 the reserve witness will have duty counsel with him as well --

25 that is, Mr. Moeurn Sovann.

1 MR. PRESIDENT:

2 Thank you, Ms. Se Kolvuthy.

3 The Chamber now decide on the request by Nuon Chea.

4 The Chamber had received a waiver from Nuon Chea dated 11 March
5 2015. He confirms that due to his poor health condition -- that
6 is, headache, back pain and that he cannot sit for long, and in
7 order to effectively participate in the future proceeding, he
8 requests to waive his right to participate in and be present at
9 the 11 March 2015 hearing. He has been informed by his counsel
10 about the consequence of this waiver that it in no way can be
11 construed as a waiver of his rights to be tried fairly or to
12 challenge evidence presented or admitted to this Court at any
13 time during this trial.

14 [09.10.30]

15 Having seen the medical report by the duty doctor for the Accused
16 at the ECCC, dated 11 March 2015, who notes that the health
17 condition of Nuon Chea is that he has severe back pain when he
18 sits for long, and recommends that the Chamber shall grant him
19 his request so that he can follow the proceedings remotely from a
20 holding cell downstairs.

21 Based on the above mentioned and pursuant to Rule 81.5 of the
22 ECCC Internal Rules, the Chamber grants Nuon Chea's request to
23 follow the proceeding remotely from a holding cell downstairs via
24 an audio-visual means for today's proceeding as he waives his
25 direct presence in the courtroom.

3

1 The AV Unit is instructed to link the proceedings to the room
2 downstairs so that Nuon Chea can participate in and follow
3 today's proceeding remotely.

4 The Chamber now gives the floor to the defence counsel for the
5 Accused so that they have -- they can put questions to this
6 witness. First -- you may proceed now, counsel for Mr. Nuon Chea.

7 [09.11.57]

8 MR. KOPPE:

9 Good morning, Mr. President. Good morning, Your Honours. Good
10 morning, counsel.

11 Mr. President, before my national colleague will start asking
12 questions, I would like to seek your confirmation that we have
13 the equivalent of the Prosecution's time -- that means five
14 sessions. So, in principle, I think we could go until the next
15 day. However, I anticipate that we have questions only until the
16 end of the day, but I would like to make sure that this is indeed
17 the time allotted to us.

18 MR. PRESIDENT:

19 The two defence counsel for the Accused will have full day today
20 plus one session tomorrow.

21 MR. KOPPE:

22 Thank you very much, Mr. President. However, we will -- we shall
23 seek to strive to be finishing at the end of the day. Thank you.

24 [09.13.13]

25 MR. SUON VISAL:

4

1 Mr. President, Your Honours, and everyone in and around the
2 courtroom, before I put <questions> to this witness, I would like
3 to submit a request <regarding questioning witnesses> before the
4 Chamber. <It would take only about five minutes.> I -- am I
5 allowed to do so?

6 MR. PRESIDENT:

7 You may proceed.

8 MR. SUON VISAL:

9 <Thank you.> Yesterday, we observed that Judge Lavergne put
10 questions to this witness. Perhaps he put -- he used almost half
11 day to put questions to this witness. And I observed that Judge
12 Lavergne was playing a role as a prosecutor yesterday.

13 [09.14.11]

14 MR. PRESIDENT:

15 You are not <supposed to take the floor> to criticise the Bench,
16 and I decided already that it is now time for your questioning to
17 this witness. <In principle, any member of the Bench is entitled
18 to put questions to any witness first in compliance> with the
19 Cambodian <procedures. However, we> have <allocated> time
20 <accordingly> for Parties to put questions to this witness. We
21 have to proceed our hearing effectively, and we allow time for
22 Parties to put questions, and the Bench can put any -- put
23 question at any time that they may be able to do so. You are not
24 allowed to criticize the Bench <in terms of both procedural
25 management and time allocation>. I refer you to the procedure and

5

1 also Cambodian Law, and if you are not sure, you can also refer
2 us -- you can also refer us to any particular law <including code
3 of professional conduct for lawyers, regarding this issue>.

4 MR. SUON VISAL:

5 Thank you. Mr. President, actually, I would like to refer to the
6 Laws and Procedure and you interrupt me.

7 MR. PRESIDENT:

8 I would like to know whether now you want to put <questions> to
9 this witness or you want to criticize the Bench. Actually you are
10 not allowed to criticize the Bench.

11 [09.15.56]

12 MR. SUON VISAL:

13 So I may proceed with the questioning of this witness. We will
14 file an appeal to the Supreme Court Chamber at a later stage.

15 MR. PRESIDENT:

16 You can do so.

17 QUESTIONING BY MR. SUON VISAL:

18 Q. <Thank you, Mr. President.> Mr. Witness, I have a few
19 questions for you today. Yesterday you informed the Chamber that
20 you were appointed as a -- as an assistant in Tram Kak district.
21 In addition, you were assigned to be in charge of Leay Bour
22 commune. And besides all these <assignments>, were you designated
23 to do other job or to any other position?

24 MR. NEANG OUCH:

25 A. I was not appointed to be in charge of Leay Bour commune, but

1 as I said, I lived in an area opposite Leay Bour Cooperative <in
2 Leay Bour commune>. And beside that, I was not appointed or
3 assigned any other roles.

4 [09.17.25]

5 Q. Thank you very much. <When> you became an assistant in the
6 <Tram Kak> district, what were your specific roles and tasks?

7 A. <I was not assigned any> specific task. <> I was assigned to
8 build dams and <dykes in paddy fields> and to work in the field,
9 so I did not have any specific tasks. As I said, I was <mainly>
10 assigned to work in the fields, in the water pumping station, and
11 also I was assigned to dig canals and build dams and dykes.

12 Q. So which communes and villages exactly were you assigned to
13 work?

14 A. First, I went to work <at> a canal construction site at
15 <Tumnob Lauk (phonetic) to block> Sla Kou (phonetic) <river> and
16 the canal was dug to the east of a pagoda, and <it stretched all
17 the way to> Khpob <Trabaek (phonetic). In total, the canal was
18 about 10 kilometres in length. Second,> I was assigned to dig
19 canal at Mlech (phonetic) <where we constructed a water> gate to
20 <feed the water from Sla Kou (phonetic) river to Mlech (phonetic)
21 reservoir, and from there, we were also> assigned to <dig a
22 canal, so-called Canal> 68, <that ran through the area to the
23 east of> Angk Ta Saom <and stretched along Road 25, the road from
24 Takeo to Angk Ta Saom. We also expanded the canal toward the
25 south up until the area on the east of Baek Chhuk (phonetic) of

7

1 Boeng Srae Ronoung (phonetic), and a canal was also dug eastward
2 toward the railway where the boundary of Tram Kak district
3 ended>.

4 [09.19.59]

5 And <third>, I was tasked to work at the water pumping station
6 <at Ou Chambak (phonetic) in order to pump water from a lake
7 located to the north of Takeo provincial town, and to feed the
8 water <into Leay Bour commune. These were the main projects I was
9 engaged.> I met -- I was in the meeting with <Ta Chay and> Ta Kit
10 <who were district secretaries at Angk Roka. At that time,> the
11 district office <was located at> the current Angk Roka market.

12 Q. Thank you very much. When you were assigned to work there,
13 <with whom> you were working <>?

14 A. The workers at the worksites were female and male <youths>
15 from mobile units.

16 Q. Where were they from?

17 A. They were from <every commune under> Tram Kak district.

18 Q. Were <workers> divided into <> base <> or new mobile units?

19 A. They were not divided in <such a category>. We lived and
20 worked together.

21 [09.22.08]

22 Q. What about food condition while you were working there?

23 A. As for food condition, as we were part of the mobile unit, we
24 could have enough food to eat.

25 Q. While they were working and if they fell sick, how <was> the

8

1 treatment for those people who fell sick?

2 A. When a worker fell sick - actually, as I said, there were
3 medics <on> standby at our worksite and if <a> worker could not
4 be treated or could not recover from the illness, <he or she>
5 would <be sent> to <the district hospital located at Wat>
6 Trapeang Kul (phonetic).

7 Q. <Thank you.> I would like now to move to another topic -- that
8 is, the marriage. You mentioned already yesterday that some
9 couples, they got married voluntarily because they could choose
10 their own partners, and you also mentioned that some other
11 couples were matched by the cadres there. So what did you mean by
12 that answer?

13 A. As for <couples> who were matched, this <means> that the
14 commune <cadres paired up a man and a woman to get married>.
15 [09.24.23]

16 Q. As you said, if they were matched, then what <would happen> if
17 they <refused> the <match>?

18 A. I never encountered any issue that the couples denied the
19 marriage after they were matched. <Usually, they agreed to the
20 matching, and the wedding ceremony was held for them.>

21 Q. Thank you very much. While you were working there, were <> any
22 <members of> your mobile unit <getting married? Were members of
23 your mobile unit arranged to get married by the local cadres?>

24 A. Actually, <members of> the mobile unit <were getting married>,
25 because as I said, <those> members <were> male and female

1 <youths>.

2 Q. <Through your own observation, before> the marriage
3 ceremonies, were the <couples consulted with> in advance before
4 they get married?

5 A. Actually, the <commune as well as heads> of the mobile units
6 <consulted with them. After the consultation, the wedding
7 ceremony> would be held for them.

8 [09.26.24]

9 Q. Thank you very much.

10 I proceed to another topic in relation to your position as an
11 assistant in the district. You mentioned already that you were in
12 the meeting with the district committee. I would like to know
13 during the meeting <what> principle <were you briefed on before
14 heading out to a worksite.>

15 A. I find this question difficult to give my answer. The meeting
16 which I attended was to examine the tasks that we performed
17 previously, and <during which future plans were> also <>
18 discussed <>. And we would also discuss how to dig, how to dig
19 the canal, how to build dams and dykes, but <> no main
20 <principles were> discussed in those meetings. <That was the
21 level I was engaged.>

22 [09.27.47]

23 *****Q. You also mentioned that there were three main tasks
24 -- that is, the <tasks> concerning economy, politics and
25 <security>. And while you were assigned to work as an assistant,

10

1 were you in charge of all the three main tasks? <Or were you in
2 charge of only a specific task?>

3 A. I did not <say that I had to do these> tasks <regarding>
4 politics, economy and <security. In fact, I just had to do
5 whatever task I> was assigned to <do>.

6 Q. Thank you <>. During the <meetings that you attended at> Tram
7 Kak district, <did you> ever hear <> leaders of the district
8 <about having the> Cham ethnicity <> smashed?

9 A. I never heard <of> any such discussion.

10 Q. Did you hear that other communes spoke about this issue?

11 A. No.

12 [09.29.38]

13 Q. What about the Vietnamese? Did they <ever discuss> about
14 <having> the Vietnamese at the base <> smashed or what measures
15 had to be taken against them?

16 A. No, there was no such distinction.

17 Q. In the <areas> that you worked in Tram Kak district, did you
18 <ever> see any Khmer Krom people there?

19 A. No. I was not aware <of> any Kampuchea Krom people living in
20 Tram Kak district.

21 Q. During those meetings, did you ever hear any instruction about
22 sending those Khmer Krom back to their original place or that
23 they had to be smashed or something of that nature?

24 A. I never heard <of> any measures <to be> taken against the
25 Khmer Krom.

11

1 MR. SOUN VISAL:

2 Thank you, Mr. Witness. I don't have any further questions for
3 you, and Mr. President, I would like to cede the floor to my
4 international colleague.

5 MR. PRESIDENT:

6 Thank you. And counsel Victor Koppe, you have the floor.

7 [09.31.22]

8 QUESTIONING BY MR. KOPPE:

9 Thank you, Mr. President. Good morning, Mr. Witness.

10 I would like to start with asking you a question about the Khmer
11 word that was discussed yesterday. If my pronunciation is
12 correct, the Khmer word is "boh sam at" or in English "sweeping
13 clean". You talked about that word in response to questions of
14 Judge Lavergne.

15 And following up on that discussion, I would like you to have a
16 look at the statement, which was also shown to you yesterday few
17 times -- that is, statement E319/12.3.2, more particularly at
18 question A311, the question that the Investigators are asking to
19 the particular witness is the following -- and I quote: "When you
20 talk about the term 'purged, sweep clean', you mean arrests,
21 correct?" And the witness answers in 311: "Yes."

22 [09.32.23]

23 My question to you is to give a reaction to the answer of this
24 witness who is saying that sweeping clean apparently means to
25 arrest? Did you see the -- not yet, okay. I'll -- it's

12

1 E319/12.3.2. It's the statement of the witness that we discussed
2 yesterday.

3 Well, I know that you have it there, so I would like to ask duty
4 counsel to show it to the witness. So, again, E319/12.3.2.

5 Well, the reason I am asking, because I will be asking more
6 questions about this statement, and I know for a fact that the
7 witness had it yesterday.

8 Mr. President, could I ask the Court officer to hand a copy of
9 the statement that I think he had yesterday?

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 MR. KOPPE:

13 For the duty counsel, it is question 311. It's on page 53, on the
14 bottom of the page. Oh, no, that's English. It's A311.

15 [09.36.40]

16 BY MR. KOPPE:

17 So, I'll just do it again if that's all right with you, Mr.

18 Witness. The question in A311 is, to the witness: "When you talk
19 about the term 'purge, sweep clean', you mean 'arrest'; correct?"

20 And the answer is: "Yes."

21 Q. So my question to you is: Can you give a reaction to this
22 specific answer of that witness?

23 MR. NEANG OUCH:

24 A. The word 'to sweep clean' or 'to purge', in fact was asked by
25 the Co-Prosecutor the day before yesterday, <during> the

13

1 afternoon session. And if I recall it correctly, I sought a
2 consultation with my duty counsel. And in fact, yesterday morning
3 I responded to that question. So I've already replied to that
4 question.

5 [09.37.54]

6 Q. I know you did, Mr. Witness, but I am now confronting you with
7 possibly a different interpretation of this word in Khmer. So I
8 would like you to give your reaction to her answer in relation to
9 this word.

10 MR. PRESIDENT:

11 Mr. Witness, please respond to this question, because your
12 response and the statement made by another witness <are> not
13 consistent, or <are> not in line together. Of course, we
14 understand that you already responded, or you provided your
15 interpretation to the Co-Prosecutor's question yesterday.

16 MR. NEANG OUCH:

17 A. The term 'to sweep clean' or 'to purge' in my personal
18 understanding of it, it means 'to kill' or 'to execute'. So, of
19 course it is different from this present statement. In this
20 person's statement, she only mentioned that the term means 'the
21 arrest'.

22 [09.39.16]

23 BY MR. KOPPE:

24 Q. I'm sure we will follow up with her on this word, Mr. Witness.
25 I'll continue my questions, and my questions are now relating to

14

1 the document E3/493 that was shown to you yesterday. Again, I
2 would like to ask the duty counsel to show this particular
3 document to the witness.

4 MR. PRESIDENT:

5 Yes, in fact you can do that. However, today, due to the
6 technical glitch, the document cannot be projected on screen, so
7 you have to rely on the hard copy paper.

8 BY MR. KOPPE:

9 Q. Now, Mr. Witness, the little note that was discussed
10 extensively yesterday, of which you say it was your handwriting,
11 seem to be attached to some other documents, which are all
12 contained in this E3/493 (phonetic). So, it would appear that the
13 widows that you are referring to in your note, seem to be the
14 widows that are referred to in the subsequent pages. Now, my
15 question to you is the following: Do you know what actually
16 happened to the five widows: Muoy, Ban Sokun, Kiev, the elder
17 aunt of Thou, and Mao?

18 [09.43.17]

19 MR. NEANG OUCH:

20 A. The five widows were reported, and I forwarded the report to
21 Ta Ran and Ta Bit. And they decided, and they made their
22 decision. And subsequently, I wrote down their decisions as
23 appeared on the document. And I wrote it in this document,
24 E3/4093, dated 7 August. What I wrote down there, was the
25 decision made by Ta Ran. And whatever I did, it meant I did

15

1 following the orders of the upper echelon -- that is, Ta Ran.

2 Q. I understand, Mr. Witness. That was indeed your answer
3 yesterday. My question is: Do you know what in fact happened to
4 the widows? Were you in any way an eye witness to their alleged
5 execution?

6 A. No, I did not witness that.

7 [09.45.22]

8 Q. Mr. Witness, there's another question that I have in relation
9 to this document, E3/493 (phonetic). Now, it would appear that
10 your note is dated on the 7th of August. However, it would appear
11 that the underlying report that you are saying you had forwarded,
12 dates from 8 August 1978. Now, my question is: Do you remember
13 anything about this, or would you be able to explain how it would
14 appear to be possible that you are forwarding a document a day
15 earlier?

16 MR. PRESIDENT:

17 The International Co-Prosecutor, you have the floor.

18 MR. KOUMJIAN:

19 Your Honour, I don't believe that that's a fair statement about
20 the document -- about the pages that follow in 4093. That that is
21 the report that the witness's 7th of August document is referring
22 to. Nowhere in the 7th of August document does it say it's
23 referring to a report. And in fact, the next pages, the 8th of
24 August, says "I wish to clarify the report". So, the document
25 from Meng on the 8th of August clearly is referring to an earlier

1 report.

2 [09.47.15]

3 MR. KOPPE:

4 Well, I'm very happy that the Prosecution is testifying as to
5 what he believes the content of both documents should be, but the
6 question is, of course, to the witness, who should be able --
7 maybe there is an easy explanation as to the difference in those
8 two dates. So, I think I'm entitled to ask the question to this
9 witness.

10 MR. PRESIDENT:

11 Yes, you may proceed, Counsel.

12 BY MR. KOPPE:

13 Q. So, again, Mr. Witness, maybe there's an explanation, but do
14 you remember -- let me rephrase. Do you know how it's possible
15 that the document that you appear to be forwarding is dated one
16 day later than your note?

17 MR. NEANG OUCH:

18 A. The document dated 7 August and the other document, dated 8
19 August, refer to two different documents.

20 [09.49.02]

21 Q. Could you expand on that? How do you know?

22 A. The difference is that the document dated 8 August - rather,
23 dated 7 August, bears my own signature, and I wrote that
24 document. And as for the document dated 8 August, it was written
25 by Meng. So, I cannot recall it clearly, regarding the details of

17

1 these two documents, but I can confirm that the first document,
2 dated 7 August, is <written by me and> it bears my own signature.

3 Q. But just to be clear, Mr. Witness, you're saying that your
4 note does not refer to the report of 8 August 1978, made up by
5 Meng. Is that correct?

6 A. I cannot say for sure because the second document was not
7 mine. It bears another person's name.

8 [09.51.38]

9 Q. Do you have, Mr. Witness, any recollection as to what your
10 practice was when dealing with reports coming to you? Did you, in
11 your recollection, add a little piece of paper with your notes to
12 the underlying document?

13 A. The small piece of note, dated 7 August, was written by me,
14 and I reported the matter to Ta <Ran> and Ta <Ran> made his
15 decision. And that's what I wrote in that note. It was just a
16 four-line note.

17 Q. Maybe I missed something in your answer today or yesterday,
18 but the note is directed to "Beloved Comrade Chhoeun". Is that
19 the same as Ta Ran? The same person?

20 A. I cannot find the name "Chhoeun" (phonetic) or "Ran", as you
21 pronounced.

22 [09.53.42]

23 Q. As unfortunately, Mr. Witness, I don't speak Khmer, I have to
24 deal -- I have to read the English translation, and the English
25 translation of your note starts with the words "Beloved Comrade

18

1 Chhoeun". Do you see the same thing on your note?

2 A. No, there is no "Comrade Chhoeun" (phonetic) in this document.

3 I found a name on this document -- that is, a Comrade Chhoeun.

4 Q. Just -- just to avoid all misunderstanding, so who was

5 Chhoeun?

6 A. Chhoeun held a position as chief of Tram Kak district office.

7 Q. But then can you explain me how it came that you were

8 requesting somebody on your level to do something with prisoners?

9 A. I reported this matter to Brother Ran, and Brother Ran

10 instructed me to write down his decision, and that's what I wrote

11 down.

12 [09.56.35]

13 Q. I understand, Mr. Witness. But in the English translation of

14 this document, it seems that you are requesting something, rather

15 than instructing. First sentence reads: "With regard to prisoners

16 from Cheang Tong commune, request to send any children."

17 Would you be able to explain why it is a request rather than an

18 instruction?

19 A. No, this does not mean I made a request. As I stated, what I

20 wrote down was the instruction laid down by Ta Ran.

21 Q. So I should read this document as -- not as a request to

22 "Beloved Comrade Chhoeun", but as an instruction. Is that

23 correct?

24 A. The decision made by Ta Ran was what I wrote down, and it was

25 not a request. It was an order to comrade Chhoeun for

19

1 implementing Ta Ran's decision.

2 [09.58.41]

3 Q. But I'm still not clear as to why it was you requesting or
4 instructing Chhoeun to sweep clean the widows or children?

5 A. I cannot <give> you any further explanation, rather than what
6 I have explained to you, because if I keep doing it, it means I
7 kept repeating my responses. As I stated, I reported the matter
8 to Ta Ran, and whatever decision Ta Ran made, then I wrote it
9 down. And if I were not to write down what -- Ta Ran's
10 instruction, it means I would risk my life <like what had
11 happened to one of my elder brothers>. Although I was related to
12 Ta Mok as his younger brother-in-law, if I did not obey or follow
13 the instructions, <> I would risk my <own> life.

14 Q. Mr. Witness, yesterday you were shown this document, and in
15 answering questions of Judge Lavergne, you confirmed that this
16 little note bears your signature and is indeed your handwriting.
17 But you were also shown a number of documents, which also have
18 your name on it, but then you said that the name or the signature
19 was not yours. Would you be able, without having another look at
20 them, to tell us why this document, that is in front of you,
21 bears indeed your signature and is your handwriting, and the
22 other five or six documents does not have your handwriting?

23 [10.01.36]

24 JUDGE FENZ:

25 Counsel, could you rephrase? Because the way you put it in

20

1 English, you ask him to testify on why certain documents don't
2 have his handwriting.

3 MR. KOPPE:

4 I'm very happy to actually show the documents, of which he said
5 yesterday, "This is not my handwriting".

6 JUDGE FENZ:

7 But the question is --

8 MR. KOPPE:

9 The question is: How does he know for sure that E3/4093 does bear
10 his signature, and does bear his handwriting, and the other ones,
11 with also his name, that's not his handwriting? So, I want to
12 find out how he is able to determine.

13 [10.02.40]

14 BY MR. KOPPE:

15 Q. So, my question again. I'll try to phrase it more simply.

16 Yesterday, you said that there were certain documents shown to
17 you that did not bear your handwriting or your signature. How can
18 you tell for sure that E3/4093 does bear your signature and
19 handwriting?

20 MR. NEANG OUCH:

21 A. Because I recognize my own handwriting. The document E3/2785,
22 dated 7 March, with the signature of my name "San", the
23 handwriting in this document is not my handwriting, and the
24 signature is also not my signature.

25 [10.04.00]

21

1 Q. That is exactly my understanding of your testimony yesterday,
2 Mr. Witness, but there are one, two, three, four, five, six, six
3 other documents, also Tram Kak district records, with your name
4 on it, and signature sometimes. And you're saying that these are
5 also not your -- this is also not your handwriting and signature.
6 So, the question is: Are you able to tell us why you are sure
7 that 4093 is indeed your handwriting, and with the other
8 documents, that it is not the case? That apparently it is another
9 San?

10 A. I <know it> clearly, because, as I said, I could recognize my
11 <own> handwriting.

12 Q. Fair enough, Mr. Witness. But then, the question arises: Who
13 is the other San that has been signing at least six or seven
14 documents with the name "San"?

15 A. I <do> not know, as I said. It was not my handwriting.

16 Q. Very well, Mr. Witness. We will -- I would like to go back to
17 the same document again, 4093, and more specifically, the
18 sentence which in English reads as follows: "But if children
19 cannot be separated from their mothers, bring them in for
20 interrogation, and after everything is finished, to sweep them
21 all clean." I'm interested in the word, or the Khmer equivalent
22 of the English word "if". Do you know whether in fact children
23 were located who could not be separated from these specific
24 mothers?

25 [10.07.04]

1 A. I find it difficult to explain the word "if" here. If the
2 children could not be separated from their mothers, they -- the
3 children and the mothers -- should be brought in together and
4 swept clean. This was the decision made by Ta Ran, and I was
5 asked to write from his dictation.

6 Q. I understand. That was your answer, indeed, Mr. Witness. But
7 you are a teacher. You have been a teacher for a long time. Maybe
8 it's different in Khmer, but if the English word says "if"
9 something has to happen, then it doesn't necessarily happen. So,
10 my question: Do you know whether children were indeed found who
11 could not be separated from their mothers?

12 A. As for children who could not be separated from their mothers,
13 they were with their mothers.

14 [10.08.45]

15 Q. But my question is: Do you know whether such children were in
16 fact found?

17 A. Could you repeat your question, please?

18 Q. We're entering the grammar -- the Khmer grammar versus the
19 English grammar, so maybe I'm not formulating my questions well.
20 But, your note reads that "if" children are to be found. "If". My
21 question: Do you know whether in fact, in this particular
22 circumstance, such children were found?

23 A. I do not really understand the gist of the question. As I
24 mentioned, the children and the mothers stayed together.

25 Q. That I understand in general.

1 MR. KOPPE:

2 Mr. President, maybe I look at you. Maybe there is something not
3 going well in the translation of my question. My question is, as
4 you understand, about the word "if". "If" suggests that something
5 can happen or cannot happen. So maybe, Mr. President, you could
6 ask the witness if he knows that such children were in fact
7 found.

8 [10.10.58]

9 JUDGE FENZ:

10 May I ask a question for clarification? Is your question whether
11 he knows of cases where children -- is this the question?

12 MR. KOPPE:

13 Well, not of -- not of cases. I want to know -- this is a very
14 specific order. It's an order to say, "if you find children, kill
15 them". So it seems. I want to know if this specific case, he
16 knows whether such children, who could not be separated from
17 their mothers, were indeed found and killed.

18 [10.11.42]

19 *****MR. PRESIDENT:

20 I believe you can answer, Mr. Witness. The question is clear. In
21 the report, the children have to be separated from their mothers.
22 If they <could not> be separated, <all of them would be brought>
23 in and <swept> clean. And the Khmer -- the Khmer version is very
24 clear for all of us: "And the children <have to be separated from
25 their mothers>, if they cannot be separated from their mothers,

24

1 they should be swept clean." So, based on the substance of the
2 report, could you explain it? <What actually happened to the
3 children?>

4 MR. NEANG OUCH:

5 A. After the decision made by Ta Ran, I wrote from the dictation,
6 and as for the consequence, I did not know what happened next.
7 <They did not report back to me what was done.>

8 MR. KOPPE:

9 Thank you, Mr. Witness. Now, I have another question about this
10 same sentence.

11 MR. PRESIDENT:

12 Thank you very much, Counsel. It is now a convenient time for a
13 break. The Court will take a break from now until 10.30.

14 Court officer, please coordinate a proper place for Mr. Witness
15 and also for the duty counsel, and invite them back to the
16 courtroom before 10.30.

17 The Court is now adjourned.

18 (Court recesses from 1013H to 1033H)

19 *****MR. PRESIDENT:

20 Please be seated.

21 The Court is now back in session and before I hand the floor to
22 the defence team for Nuon Chea, the Chamber would like to inform
23 the relevant Parties that last week the Chamber was seized of a
24 request by the Co-Prosecution -- that is, <E319/7,> to hear
25 testimony of -- testimonies of new witnesses and the Chamber

25

1 would like to hear the comments, or observations, or responses
2 from other Parties so that we can use as the basis for our
3 decision and we can do it for the afternoon session at the end of
4 this afternoon session for that.

5 And the Chamber would like now to again hand over the floor to
6 Counsel Koppe to continue putting questions. You may proceed.

7 [10.34.47]

8 BY MR. KOPPE:

9 Thank you, Mr. President.

10 Q. Mr. Witness I have one additional question on this document
11 that we have been discussing at length E3/4093, and it's the same
12 sentence that refers to "if children cannot be separated".

13 The witness is doing something with his phone so I wait till he
14 is finish.

15 Yes, Mr. Witness, so I would like you to go back to the same
16 sentence that starts "but if children". I will read to you what I
17 have in my English translation. My English translation reads as
18 follows: "But if children cannot be separated from their mothers,
19 request to bring them in for interrogation and after everything
20 is finished to sweep them all clean." Now my first question is:
21 "Children that cannot be separated from their mothers," does that
22 mean small babies?

23 [10.36.35]

24 MR. NEANG OUCH:

25 A. On the issue of the word "children" used in this context, it

1 does not refer to babies. They refer to children<; moreover, I
2 did not actually see those women and children. As> I stated I did
3 not know what happened after as I only made a report and wrote
4 down the decision from the upper echelon. So whatever was decided
5 by the upper echelon, I would write that down.

6 Q. I understand, Mr. Witness, but I'm interested in the words
7 "children that cannot be separated". Does that mean babies or
8 younger children who are still in the care of their mother?

9 A. Children here does not refer to babies or who are still
10 breastfed. Here, to my understanding, it refers to <> children
11 who could walk <and speak>. And in fact I did not see what
12 happened next as I stated.

13 Q. But the note seems to make a distinction between bigger
14 children that have already gone to the mobile units or children's
15 unit on the one hand and on the other hand children that cannot
16 be separated from their mothers. So my question is: What exactly
17 do you mean with "children that cannot be separated from their
18 mothers"?

19 [10.38.52]

20 A. People who <worked> at the mobile units were the male and
21 female youths. There were also a group of children who were
22 between 10 to 12 years old and here as for "<infants> who could
23 not be separated from <their mothers>" and I explained it to you
24 already, to my understanding, here, it does not refer to the
25 breastfed babies, but it refers to <small> children who could

1 speak and <> walk. And further than that, since I did not see
2 what happened, I could not say anything more. I only forwarded
3 the report to Ta Ran for his decision. <And whatever decision was
4 made by Ta Ran, I wrote it down accordingly.>

5 Q. Thank you, Mr. Witness.

6 [10.40.05]

7 MR. KOPPE:

8 Mr. President, I have a request and that is in relation to this
9 document. As you know we have submitted already few times that no
10 original documents exist, that everything that we're talking -
11 that we are dealing with here are copies. So we have been a bit
12 -- we did some handicraft, to put it like that, and we've tried
13 to imitate, as much as possible, how possibly the original could
14 have looked like. We've based ourselves on the Khmer documents
15 and the way that this little note which is written, it seems by
16 this witness was attached to it.

17 I seek your guidance as to how to proceed. I'll show it to you.
18 What we've done is made a copy of what is probably the notebook
19 and what is possibly the way his note was attached. And I would
20 like to ask the witness something about whether this in fact
21 would be similar to the way he attached notes to other reports
22 and if yes, how exactly did that go. So it's something because of
23 the lack of original documents, we would like to be able to show
24 this to the witness. So I am in your hands at this request.

25 (Judges deliberate)

1 [10.42.50]]

2 JUDGE FENZ:

3 May I ask a question? Is the objective to show how they were
4 physically attached together?

5 MR. KOPPE:

6 Yes, but there are many of those documents, and I'm just trying
7 to establish whether this was in fact how it was done that he was
8 in fact adding this little handwritten note because that's how we
9 understand this document to look like.

10 JUDGE FENZ:

11 And why don't you just ask the question?

12 MR. KOPPE:

13 Well, you've seen the trouble that I have with getting an answer
14 on this document so I thought this would be practical.

15 (Judges deliberate)

16 [10.44.20]

17 MR. PRESIDENT:

18 The International Co-Prosecutor, you have the floor.

19 MR. KOUMJIAN:

20 If Your Honours are considering having this shown to the witness,
21 I think the other Parties deserve the opportunity to see what it
22 is.

23 MR. KOPPE:

24 Mr. President, I'm very happy to leave the question until after
25 the break so that we can give this product of our handicraft to

1 the other Parties and to the Bench.

2 The reason I'm also asking this now is because it seems unclear
3 whether his note in fact refers to the underlying document and
4 since we do not have any original whatsoever -- and I think we
5 need to establish whether his real note in fact refers to the
6 underlying documents which seems to be one package. So I think
7 this witness is potentially in a unique position as to say how in
8 that period documents were handled and whether in fact he stapled
9 this or glued this or used a paper clip and whether it would be
10 possible that this little note has in fact nothing to do with the
11 underlying document.

12 [10.45.40]

13 MR. KOUMJIAN:

14 I'll just comment that the questions counsel raised make sense
15 but he can ask them without -- and something that's been created
16 not by a witness, he can ask those questions, how were things
17 attached, does his note refer to the subsequent documents, he's
18 been doing that already.

19 BY MR. KOPPE:

20 Okay. I'll give it a try.

21 Q. Mr. Witness, we've been speaking about the little note that
22 you've said you have written. Do you remember how you attached
23 your little note - or your note to the underlying document? Did
24 you staple it? Did you use a paper clip? In this specific case,
25 do you remember how you attached your note to the other

1 documents?

2 [10.46.45]

3 MR. KOUMJIAN:

4 I will just -- my objection is it's not clear that -- and the
5 question presumes a note was attached to other documents, the
6 witness hasn't testified to that and in fact the document that
7 the counsel refer to earlier -- that's the next two pages -- it
8 says: "As for the report from the grassroots of Trapeang Thum
9 Khang Cheung, I have already sent it to the District
10 Organisation. This is a copy of the report from the grassroots",
11 and it ends: "May the respected and beloved comrade in charge of
12 the district branch, please be informed." So I don't want to
13 suggest anything to the witness, but there's definitely other
14 possibilities other than these documents were sent with -- by the
15 witness with the note.

16 [10.47.44]

17 MR. KOPPE:

18 I agree completely with the Prosecution. The fact is that we
19 don't know and what we do know is that is, as I said many times
20 before, we do not have originals and we do know that these
21 documents have been extensively used post 1979, and if this
22 little note is attached to this document, we need to be able to
23 establish whether that is in fact the case. At the end of the
24 day, we're talking about what seems to be a direct order to
25 execute people.

1 BY MR. KOPPE:

2 Q. So again, I would like to ask the question that I asked
3 before: Mr. Witness, do you remember in this specific case,
4 whether you in fact attached your note to the underlying
5 documents?

6 MR. NEANG OUCH:

7 A. I cannot recall that because when I see this little note with
8 only four lines here in this Court, it does not assist me in
9 recollecting what I did at the time.

10 [10.49.10]

11 Q. Do you remember whether you used small little notes, small
12 little papers from a small notebook and then attach it to pages
13 coming from a children's notebook?

14 A. I cannot recall that. I did not know how I attached the brief
15 notes to those documents because what we have in our hands here
16 are copies and they are not the originals.

17 Q. I would like to read to you, Mr. Witness, a passage from the
18 statement of the female witness that we've been discussing
19 earlier and I would like to have your attention to question 212
20 -- that is, document, Mr. President, E319/12.3.2 and question 212
21 is the following - and I quote:

22 "When the militiamen arrested people, did you write a response
23 letter to An?"

24 Answer: "I did not write to An but I wrote straight to the
25 District Secretary because at that time, some letters were

32

1 forgeries so I was also worried about myself. In that letter I
2 wrote, 'now the people have been arrested as requested'."

3 Now, Mr. Witness, this particular witness seems to be a cadre at
4 your level, testified to the existence of forgeries. Does that
5 ring any bell with you?

6 [10.51.25]

7 A. I would like to show the document -- that is, E3/2785, and it
8 <was> sent to Comrade An, that the two men fled to "Yuon" <with
9 those who fled two days earlier>, and the document dated 7th
10 March and underneath it was signed as "San", and to my
11 understanding this letter is a forgery because forgeries did
12 exist during the Democratic Kampuchea period and I can confirm
13 that the handwriting in this letter is not mine. <I know my own
14 handwriting quite well.> And as in the case of this woman whose
15 statement you just read out, she also confirmed about the forged
16 letters during the DK period and probably you can understand why
17 Ta Ran did not write his own instruction and why he only provided
18 an oral instruction to me to write. <He did not even put his
19 signature on the documents.> Maybe he did not want to be
20 implicated due to the fact that the hard copy documents may exist
21 but the oral report could not be found and that he did not want
22 to put himself at risk in this situation. <So the blame would
23 fall solely on me since I wrote that document , I put my
24 signature in there, so Ta Ran's oral instruction got lost in the
25 wind.>

1 [10.53.15]

2 Q. I understand, Mr. Witness. But would you be able to explain
3 why E3/2785 is a forgery? What is the basis of your reasoning as
4 to why this document which seems to be the contemporaneous DK
5 document is in fact a forgery?

6 A. The evidence that I rely on is that the handwriting is not my
7 handwriting. It is not my handwriting at all from what I can see.

8 Q. But how would you be able to tell that it is a DK forgery?
9 Would it be possible -- I ask to you speculate -- but is there a
10 knowledge that you have that it could be a post 1979 forgery?

11 A. As to the year of the forgery, I cannot tell you.

12 Q. So you stick to your testimony that because it doesn't look
13 like your handwriting and your signature, and because it says
14 "San", it must be a forgery, is that your testimony?

15 A. Yes it is, because the handwriting is not mine.

16 Q. How about document, Mr. Witness, E3/2423? I believe that it is
17 your testimony that also in relation to this document that it is
18 not your handwriting.

19 Khmer page, Mr. President, 00079128.

20 So again, Mr. Witness, have a look at E3/2423 and tell me whether
21 this is your signature, yes or no and if you believe it's a
22 forgery.

23 A. Document E3/2423 also does not contain my own writing.

24 [10.56.49]

25 Q. But in relation to the previous document, you were very strong

34

1 in your answer in saying that it is a forgery. Are you saying
2 that this is also a forgery, and if yes, why?

3 A. The only reason that I rely on is the handwriting and that
4 handwriting is not mine.

5 Q. I would like you, Mr. Witness, to have now look at E3/2444,
6 and I'm asking you the same question. You testified earlier that
7 this is not your handwriting and your signature. Please confirm.

8 MR. PRESIDENT:

9 The National Deputy Co-Prosecutor, you have the floor.

10 [10.58.25]

11 MS. SONG CHORVOIN:

12 Mr. President, in reference to document <E324/44>, raised by the
13 defence counsel, in my note the witness stated that he could not
14 read the letter there and he did not say that it was not his
15 handwriting. <So I would like the counsel to point out to certain
16 documents and their numbers that he is referring to regarding the
17 witness's statement. Thank you, Mr. President.>

18 MR. KOPPE:

19 Fair enough. I'll move on to another document. We're basing
20 ourselves upon the draft transcript, which wasn't always clear to
21 us.

22 Mr. Witness, now I would like you to have a look at E3/4122. My
23 question is the same.

24 MS. SONG CHORVOIN:

25 Mr. President, I would like to have the floor.

1 MR. PRESIDENT:

2 Yes, you can proceed.

3 [11.00.26]

4 MS. SONG CHORVOIN:

5 Mr. President, the counsel refers to an E3 document without
6 giving the exact ERN number and in this case this document is
7 nine pages long. So please instruct him to give us the <exact>
8 ERN number <that he is referring to>.

9 MR. PRESIDENT:

10 Thank you. Counsel Koppe, could you please specify the ERN
11 number of the document in the three languages so that the Parties
12 and the Bench can follow your question and that would also
13 facilitate the duty counsel to assist the witness.

14 MR. KOPPE:

15 Of course, Mr. President. The Khmer document - the Khmer ERN is
16 00271087; English, ERN 00779255 up until 57; I'm afraid; I
17 apologise; I don't have the French ERN right now.

18 Mr. President, it seems that the duty counsel doesn't actually
19 have E3/4122, so with your permission, I would like to hand over
20 the document to the witness.

21 [11.01.54]

22 MR. PRESIDENT:

23 Yes, you may do so.

24 (Short pause)

25 [11.03.35]

1 BY MR. KOPPE:

2 Mr. Duty Counsel, I believe its 00271087, the specific Khmer
3 page.

4 Q. So, Mr. Witness, I believe yesterday you said this wasn't your
5 handwriting. Are you confirming this now and if yes, is it your
6 position?

7 I see the Prosecution standing.

8 MR. PRESIDENT:

9 You may proceed, International Co-Prosecutor.

10 MR. KOUMJIAN:

11 I was going to say that I did not use this document. I don't
12 recall that Judge Lavergne did or any other Judges did or the
13 civil parties in the questioning.

14 [11.04.50]

15 MR. KOPPE:

16 I requested my team to collect all documents shown to the witness
17 that he spoke of. I'm not sure if I did it correctly so I'll be
18 happy to re-organise this and make sure that it was actually
19 mentioned in the draft. No?

20 I'll move on the next document just to speed up and then I look
21 at you as well, Judge Lavergne, I believe E3/2424 was shown
22 yesterday to the witness and if I do not see any nodding heads,
23 Mr. Witness, I would like you to have a look at E3/2424, Khmer,
24 ERN 0027075758 and 61.

25 JUDGE LAVERGNE:

1 I don't believe I used this document <>. I don't believe I used
2 this document <but-- >

3 [11.06.20]

4 MR. KOPPE:

5 Then let me propose the following: I will revisit this subject
6 after the break. Maybe something went wrong in the communication
7 within my team; we had to do it very last moment. So, Mr. Witness
8 --

9 MR. KOUMJIAN:

10 I did use that document.

11 BY MR. KOPPE:

12 So the question is answered.

13 Q. Mr. Witness, is that your handwriting and your signature and
14 if no, is it your testimony that this must be forgery as well?

15 MR. NEANG OUCH:

16 A. Which document number you are referring to?

17 [11.07.06]

18 Q. E3/2424.

19 Q. You don't have it?

20 MR. KOPPE:

21 Mr. President, with your permission I would like to hand the
22 document to the witness, E3/2424.

23 MR. PRESIDENT:

24 You may proceed.

25 BY MR. KOPPE:

1 Q. Specifically, Mr. Witness, I would like you to have a look and
2 Mr. Duty Counsel, Khmer 00270757, 758 and 761.

3 [11.08.50]

4 MR. KOPPE:

5 Well, I'm not a good reader of Khmer so I think it is on Khmer
6 page 61, at the end 58 and 57, these are the relevant pages.

7 BY MR. KOPPE:

8 Q. Mr. Witness, are you able to tell us something about this
9 document? is that your handwriting and signature that you see in
10 front of you?

11 MR. NEANG OUCH:

12 A. Which ERN number, is it 00270761 in document E3/2424? Is that
13 correct?

14 Q. I just gave you my copy, so I'm not sure.

15 MR. KOPPE:

16 Mr. President, I suggest to do the following, to reorganise so we
17 have exactly the relevant page. I think we have it now but I'm
18 relying on my Khmer consultant to actually identify the document
19 so if that is alright with you I will re-address this issue after
20 the lunch break and I will move on to the next topic.

21 [11.13.00]

22 BY MR. KOPPE:

23 Q. So Mr. Witness, I will come back to this issue but now I would
24 like to ask you a few questions in relation to some other things
25 that the female witness we just spoke about has testified to.

1 There are certain passages in her statement that I would like to
2 read to you and my question would be each time to ask for your
3 comment.

4 MR. KOPPE:

5 So Mr. President, this is E319/12.32. First, I would like to go
6 to question A56, and if the duty counsel has the question laid
7 out for the witness, I would like to quote it. The question is
8 about Ta Mok.

9 [11.14.03]

10 "Did you personally know him?", the witness is asked.

11 "Yes, I personally knew him. Sometimes he came to see the
12 co-operative kitchen and he asked the people whether they ate
13 enough or not. Ta Mok visited every site. I met Ta Mok."

14 My question is actually very simple, Mr. Witness: Can you confirm
15 or not that Ta Mok always asked whether people had enough to eat?

16 MR. NEANG OUCH:

17 A. Ta Mok always asked like what the lady said in her statement,
18 he always asked whether people had enough food.

19 Q. In your recollection, did that mean that he was concerned
20 about whether people had enough to eat, whether that was one of
21 his prime concerns?

22 A. He was always concerned about this as he was a rice farmer.

23 [11.15.44]

24 Q. Do you recall any situations that he was shown situations in
25 which people didn't have enough to eat and then he instructed to

1 take measures, he instructed people to take measures?

2 A. On some <occasions>, he took action, he took measures, he
3 would get the rice from his warehouse and supply to people <or a
4 certain cooperative. I witnessed as such occasionally>.

5 Q. Thank you, Mr. Witness. The same witness was asked the
6 question in question 101, and I would like to read the question
7 to you and her answer. And again, I would like to ask you your
8 reaction.

9 Question: "After the Khmer Rouge declared their victory in 1975,
10 Phnom Penh was unpopulated because they evacuated the city. Many
11 people were evacuated to Sector 13. How did the Khmer Rouge
12 authorities divide or classify all of those evacuees?"

13 Answer: "As I remember, first, they concentrated them in one
14 place, then they divided them out to villages to live, mingle
15 together. They divided them out to each village based on the
16 economic scale of that village."

17 [11.17.35]

18 Please give your reaction to that testimony, Mr. Witness. Is that
19 accurate or not accurate what the witness says?

20 A. The statement here is correct.

21 Q. Would you be able to tell us some more what that means "to
22 live, mingle together"? How did that work in practice?

23 A. "To live and mingle together" means that people from Phnom
24 Penh they were allowed to live with villagers; that's the
25 meaning. <For example, two or three families from Phnom Penh were

1 allowed to live and mingle together in four to five or four to 10
2 houses in the village.> So, people from Phnom Penh, had to live
3 with villagers together. <>

4 Q. Do you know or do you remember if people who had come from
5 Phnom Penh to mingle with the people in the village were
6 discriminated against just for the reason that they came from
7 Phnom Penh earlier?

8 A. I never experienced any discrimination, I never encountered
9 such incident.

10 [11.19.40]

11 Q. Yet, Mr. Witness, there is testimony that so-called 17 April
12 People felt that they were not treated as well as the villagers.
13 Are you able to react to that?

14 A. Concerning this matter, I guess perhaps people from Phnom Penh
15 had their own thoughts and I myself have had <my own> thoughts
16 <as well>. I, at a time, thought that my relatives were from
17 Phnom Penh and <I thought> they were 17 April People<. It could
18 be the thought that people from Phnom Penh had among themselves.
19 Again,> I did not know this matter clearly. Perhaps people just
20 thought that by themselves.

21 Q. Do you whether there was a policy -- a Khmer Rouge policy --
22 to discriminate against the 17 April People, do you know if such
23 policy existed?

24 A. Before I came to live in Tram Kak district, I did not know
25 whether such policy existed. I did not recall when I went to live

1 in Tram Kak district. I heard the announcement <by the district
2 committee> that all people were equal.

3 [11.21.53]

4 Q. Thank you, Mr. Witness. I would like to move to another
5 passage from this witness's statement.

6 Mr. Duty Counsel, that is All11 up until 114.

7 Mr. Witness, I would like to read the whole passage, it is a
8 little bit longer than the previous one but please bear with me.

9 Question: "During the Khmer Rouge regime, the Party arranged
10 marriages. How did they arrange marriages? Was there a discussion
11 within the sector level or was that decided by the co-operative
12 level or village level?"

13 Answer: "The commune level listed the names of couples to be
14 married and send the names to the sector level to decide how many
15 couples were to be married each time. I, at the lower level, did
16 not dare to make decisions on this issue. The ones who loved each
17 other came to inform us and we listed their names and send their
18 names to the sector. Those who did not agree also told us they
19 did not agree and we crossed out their names."

20 [11.23.22]

21 Question: "We have evidence and we know that the people did not
22 freedom in choosing their spouses and the Party forced people to
23 get married, is this true?"

24 Answer: "The Party decided but they arranged for the New People
25 to marry the New People, while the Old People had to marry the

1 Old People. We can say that they were forced marriages because
2 the Party decided them. If the New People had to marry Old People
3 and if anyone refused, we crossed their names out because some
4 people had bad backgrounds."

5 Question: "Were those forced marriages or those marriage
6 arrangements designated by Centre level down to Zone level to
7 sector level, then to district and commune level or were they
8 decided by the commune level or district level?"

9 Answer: "The Centre level did not decide. The commune and
10 district level did."

11 [11.24.28]

12 And finally, question: "Who decided who was to marry whom?"

13 Answer 114: "At my site, I checked which man and woman worked
14 together and got along with each other so I arranged them to
15 marry one and another. The village level reported to the commune
16 that this person was to marry that person and there were also
17 forced marriages. Then the commune level reported to the district
18 level but I did not know whether or not the district forward the
19 report to the upper echelon. I did not know how other sites
20 arranged their marriages."

21 I apologise I have also question 116 and it is the last question,

22 Mr. President:

23 "We have had evidence and we were made aware that many men and
24 women refused to get married because they had not known each
25 other, did you know about this issue, what happened if they

1 refused to get married as arranged?"

2 [11.25.30]

3 Answer: "Nothing like that happened at my site. They all had
4 known one and other because my site was not large. We arranged
5 their marriage and the couples agreed. But if the upper level did
6 not approve, they could not marry."

7 Now Mr. Witness, that's a long passage from this statement, and
8 my question is a general one: Do you agree or not with this
9 particular statement on the marriages?

10 A. I agree with the statements because the arrangement of
11 communes varied and as for my commune, we had our own
12 arrangement. I agree with this statement.

13 Q. Do you know if within the DK period there was a policy to
14 force man and woman against their will to marry each other, in
15 other words that they were married even if they didn't agree or
16 even if they didn't love each other?

17 A. I did not know this well, <but this witness's statement is
18 correct regarding the implementation at his/her particular area>.
19 I did not <know> well concerning this matter.

20 As for <marrying> against their will and as stated in the written
21 record here, <the names of that couple would be> crossed out.

22 [11.27.38]

23 Q. Do you know whether there was any general guideline coming
24 from the top to the bottom indicating that people could be forced
25 to marry?

1 A. I did not recall whether there was such a principle or policy.

2 I did not recall it.

3 Q. What can you tell us about variation between the communes when
4 it comes to marriage? Do you know -- is it your recollection that
5 the way marriages were arranged or entered into varied from
6 commune to commune?

7 [11.28.48]

8 A. As for the marriage, the way of marriage, they were not quite
9 different from each other. For example, <five> couples would be
10 arranged <to get married by a> cooperative or commune <chief>.
11 The chief of cooperative or commune would <then> declare that the
12 four or five couples would be married and after the announcement
13 or after the declaration, the couples would be asked to rise up
14 and make a resolution whether they agreed to live together. Males
15 would rise first and make resolution and after that <it would be
16 the females'> turn and after the making of the resolution of the
17 five or four couples, there would be dinner. There would be
18 chicken, there would be soup, there would be rice.

19 Q. You're talking about the ceremony? What can you tell us about
20 the way man and woman found each other; do you know whether there
21 was a difference between one commune and the other commune in the
22 way that couples were brought together?

23 A. <Usually, there were no cross-commune marriages.> Actually,
24 man and woman were from the same commune but perhaps man and
25 woman were from different villages, they were in the same mobile

1 unit or in the same work site. They could see each other every
2 day and perhaps they could be matched. There was <an> arrangement
3 in Leay Bour <commune in which a group of drivers attached to the
4 Sector requested to get married to female members of the mobile
5 unit of Leay Bour commune. That was a unique case as they were
6 from the Sector office, but they requested to get married to
7 members of the mobile unit of Leay Bour commune. They had met,
8 and fallen in love with each other. And eventually, we agreed to
9 the request>. And as for the marriage ceremony, I mentioned to
10 you already, <> no music <was> played, there were no achars
11 attending the ceremony.

12 [11.32.02]

13 Q. My last question on this subject, Mr. President, before the
14 break: Do you remember or recall any instances in which a woman
15 who didn't like her future husband was nevertheless forced to
16 marry him?

17 A. I witnessed one incident in Leay Bour <commune in which a>
18 driver from Sector 13 got married with a woman <who was a member
19 of> the mobile unit in Leay Bour <commune>. After <four to> 10
20 days of marriage, the woman refused <> to live with that man.
21 There was no reaction at that time from the chief of the commune
22 and the couple <lived separately> for a while. <After, both the>
23 woman <and the> man <were advised by their respective>
24 colleagues, <they started> to live together <again>.

25 [11.33.36]

1 There was another incident <in which> the couple <requested to be
2 separated after a month of marriage. They> lived <separately for
3 years,> and after the Vietnamese invasion, the husband ran into
4 the forest <along the border. Upon arrival at the border, he lied
5 to people there that his wife had died, and that he himself had
6 buried her. He was doing that in order to request for another
7 marriage. Son-in-law of Ta Mok by the name of Borann (phonetic),
8 chief of transport unit, did not agree to the man's request. So
9 they came to ask me who was being stationed at Phnum Damrei
10 Romeal whether the man's wife was still alive, and I told them
11 that she was still alive. So the decision was to have me bring
12 the man's wife to him. It was also decided that the man was to
13 live with his wife. They finally lived with each other again, and
14 had four children. Before the reintegration into the Royal
15 Government, the lady> ran away from the husband again. So these
16 were the two incidents I encountered and I witnessed.

17 Q. One last follow up question, Mr. Witness: You mentioned only
18 two incidents, do you know whether the women in these two
19 incidents were ever punished or did ever get in trouble because
20 of their issues?

21 A. No.

22 MR. KOPPE:

23 Thank you, Mr. Witness.

24 [11.35.26]

25 MR. PRESIDENT:

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1 Thank you very much. It is now time for lunch and the Court will
2 adjourn now until 1.30.

3 Court officer, please facilitate a proper room for this witness
4 and for the duty counsel and you are instructed to invite the
5 witness together with the duty counsel into this courtroom before
6 1.30.

7 Security personnel are instructed to bring Mr. Khieu Samphan to a
8 waiting room downstairs and have him returned before 1.30 p.m.
9 this afternoon.

10 The Court is now adjourned.

11 (Court recesses from 1136H to 1333H)

12 MR. PRESIDENT:

13 Please be seated. The Trial Chamber is now in session and we
14 would like to give the floor to the Nuon Chea defence counsel to
15 continue his line of questioning.

16 Counsel, you may proceed.

17 [13.34.09]

18 MR. KOPPE:

19 Thank you, Mr. President. Good afternoon, Your Honours. Good
20 afternoon, Your Honours.

21 In response to your oral request this morning in relation to the
22 witness that was requested by the Prosecution, of course, there's
23 no doubt that this witness is very relevant and I think she
24 should be scheduled as soon as possible. However, of course, we
25 have the same problem with her -- with this witness, there might

1 be a lot of evidence out there which describes activities on the
2 sector level. So, with that caveat, we do not object to having
3 that witness scheduled as soon as possible.

4 Having said that, Mr. President, I would like to continue with my
5 questions if that's all right, to the witness.

6 [13.35.09]

7 BY MR. KOPPE:

8 Q. Mr. Witness, I was -- before the lunch break, I was reading
9 some excerpts from the statement of the witness that you know
10 that I - whom I'm talking about. I would ask -- I would like to
11 ask you a few more questions in relation to the excerpts of her
12 statement. More particularly, I would like to read to you her
13 answer to question A141, and again -- the same procedure -- I
14 would like to ask your reaction.

15 So Mr. Witness, she's asked by the Investigators the following
16 question:

17 "Were you authorised to appoint or remove the cooperative
18 chairperson?"

19 Answer 141: "There was an election -- there was an election to
20 select a good cooperative chairperson in the village to find a
21 good person. After the villages had agreed to select someone, I
22 appointed that person to be a chairperson. I was authorised to
23 remove bad or uncivilised cooperative chairpersons and make them
24 become ordinary people again. The cooperative chairpersons were
25 normally selected from the ordinary people."

1 [13.36.41]

2 Question: "If a cooperative chairperson did not act well, was the
3 cooperative chairperson arrested or re-fashioned or re-educated?"

4 Answer: "Cooperative chiefs were not arrested or re-educated, but
5 the people were. Bad and dishonest cooperative chiefs were
6 removed and sent back to be ordinary people to do work, such as
7 transporting firewood, carrying vegetables and so on."

8 My question, Mr. Witness, is your reaction to this particular
9 excerpt in the witness' statement. Do you agree with this
10 statement - yes or no?

11 MR. NEANG OUCH:

12 A. On this issue, I have never <encountered> any removal or
13 <replacement of people>.

14 [13.38.02]

15 Q. Very well. My question is particularly -- my following
16 question is particularly directed to the word -- to the words
17 "bad and uncivilised cooperative chairpersons". Is that something
18 that rings a bell with you? Do you know what this witness means
19 with "bad or uncivilised cooperative chairpersons"?

20 A. It's difficult for me to mention or to give a definition to
21 this word because it was based on a case by case. I don't know
22 the real case in which cooperative, in which village it was. So
23 it's difficult for me to respond to your question.

24 Q. Do you know or do you remember whether, for instance, in
25 "Revolutionary Flags", there were directives on -- directives to

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1 cadres as to how to behave toward the people?

2 A. The "Revolutionary Flag", I saw it but I forget those
3 instructions because it has been more than 30 years now. But
4 there was -- there were instructions during the study session
5 that the cadres should do good thing for the people, the cadres
6 should try to work hard to provide food, shelter for the people.
7 Those study <sessions> were held at the zone office or at the
8 sector office. Sometimes it was organised in Phnom Penh.

9 [13.40.48]

10 Q. And do you remember or do you know whether the general policy
11 was to sanction or to punish disciplinarily cadres who acted
12 badly toward the people?

13 A. I do not recall this.

14 Q. Very well. I will move to another subject -- another excerpt
15 from this particular witness. It's her statement. This topic has
16 been discussed already previously in the last days. But
17 nevertheless, I would like to revisit it. And these are her
18 answers to questions 147, 148, and 151, and 152. So again, I will
19 read these excerpts to you. I see that --

20 MR. PRESIDENT:

21 Duty counsel doesn't have the document. Court officer is
22 instructed to bring the document from the counsel and hand it
23 over to duty counsel.

24 [13.42.27]

25 BY MR. KOPPE:

1 Counsel, 147, I would like to start with.

2 Q. So again, Mr. Witness, this is a topic being discussed but I
3 want to read to you the exact passage -- excerpt from her
4 statement.

5 Question 147: "What were the minor crimes and what were the
6 serious crimes?"

7 Answer: "The cooperative chairperson whom I talked about who had
8 stolen a little food to eat was regarded as a minor criminal. The
9 ones who stole pottery that had been collected to be stored were
10 also deemed minor criminals. But the ones who damaged materials,
11 walked around to entice others and impact Angkar by words, or
12 opposed Angkar or used trickery were regarded as serious
13 criminals. Rape of other people's wife was also considered a
14 serious crime because they all were arrested and sent to be
15 re-educated. All that was only in the base under my supervision."

16 [13.43.45]

17 Question: "In that regime, everything was communal property and
18 opposed private ownership. Theft of supplies of small amounts to
19 eat was a minor crime. Were those acts against the Revolution?"

20 Answer: "I would like to inform you that, firstly, theft, due to
21 hunger, was a minor crime. Secondly, frequent theft, which was
22 more serious, was reported to me by the lower level".

23 And finally Mr. Witness, Question 151, the answer to the question
24 -- the question is as follows: "You specified two types of minor
25 and serious crimes and serious crime included sexual rape. In

1 terms of punishment, how were the victims and perpetrators
2 punished?"

3 Answer 151: "The victim was not punished, only the rapist was
4 punished."

5 [13.44.50]

6 Question -- final question: "When we talk about the term 'rape'
7 -- that is, the act of forcing someone by violence to have sexual
8 intercourse, did you mean this?"

9 Answer: "Yes. In cases of a man raping a woman and the woman did
10 not consent, the man was punished while the woman was not."

11 Now Mr. Witness, my first and general questions is: Do you agree
12 with these excerpts from the witness' statement?

13 MR. NEANG OUCH:

14 A. I agree to the excerpt you have just read to me.

15 Q. To be more specific, when she said theft due to hunger was a
16 minor crime, that is something that you agree to?

17 A. This is a minor <offence>.

18 Q. And is it correct that rape - no, let me rephrase. Was rape
19 always considered to be a serious crime in the DK period?

20 A. Rape by force where a woman -- without any consent from a
21 woman, it was a serious crime.

22 [13.47.08]

23 Q. And to your knowledge, to your recollections -- recollection,
24 were perpetrators of rape arrested in the DK period?

25 A. Yes. There <would be> arrest and <re-education> based on <the>

1 level <of crime>.

2 Q. Thank you, Mr. Witness. I would like to move on now to another
3 topic. And that is a passage and excerpt from your own statement.

4 MR. KOPPE:

5 Mr. President, that is E319115, question -- questions A103 until
6 A107.

7 Let me first ask you a general question after you have had a
8 chance to look at the questions and your answers. So it's A103 up
9 until A107.

10 MR. MOEURN SOVANN:

11 Mr. President, I did not receive all the <pages of the document>
12 from the counsel.

13 MR. PRESIDENT:

14 Mr. Koppe, could you provide the documents with all pages, but
15 the one that you gave to the duty counsel miss some pages.

16 [13.49.37]

17 MR. KOPPE:

18 Mr. President, this is his own statement so I think he should
19 have it because we were referring to it quite a bit yesterday and
20 the day before yesterday. It's a statement of this witness,
21 E319.1.15.

22 MR. PRESIDENT:

23 Court officer, please review the document together with the duty
24 counsel to see if there's certain pages missing from the document
25 as indicated by the duty counsel.

55

1 Yes, you should use another copy instead of the previous one.

2 MR. KOPPE:

3 Counsel, it's 103 to 107.

4 (Short pause)

5 [13.51.15]

6 BY MR. KOPPE:

7 Q. Mr. Witness, the questions and your answers are relating to Ta
8 Sy or Chou Chet. Can you tell the Court in general what do you
9 remember of Sy -- Ta Sy or Chou Chet?

10 MR. NEANG OUCH:

11 A. I remember in 1970, the <National United Front> assigned me as
12 a member of the <front> in Tram Kak district. It was just for a
13 few months. I don't remember well. I don't remember the number of
14 months. And then, I was called to Pis Mountain, to the north of
15 National Road Number 4 in Kampong Speu province. There I met with
16 Ta Sy, and I left Tram Kak to Pis Mountain. I spent <six to>
17 seven days <there>. I met Ta Sy and he told me to receive a task
18 to be in charge of education, to teach alphabet and letter in
19 Takeo and Kampong Speu and Kampot. <He issued a letter of
20 appointment.> And then I returned to Tram Kak district in Takeo
21 province. The duration when I left Tram Kak to Phnom -- Pis
22 Mountain, and when I returned, it was a full month. And then, I
23 became sick after that. <I had been sick for six months.> That's
24 all I remember about my meeting with Ta Sy.

25 [13.53.29]

1 Q. How well did you know Ta Sy? Did you have many conversations
2 with him? Did you meet him often? Can you tell a little bit more
3 about your relationship with Ta Sy or Chou Chet?

4 A. I <did not meet> him very often. <I just met him once.> And
5 later I returned to Tram Kak and later I <never met> him <again>.
6 So I don't know much <as to> what happened and what <> he <did>
7 during that period.

8 Q. Do you know anything about Chou Chet's position toward
9 Vietnam?

10 A. I don't know about that.

11 Q. Do you know anything about a relation between Ta Sy, Chou Chet
12 and Ta Mok?

13 A. Ta Sy and Ta Mok were in the same zone committee, so they were
14 in the same zone committee.

15 Q. Do you remember when Ta Sy became the leader of the West Zone?

16 A. I don't remember this.

17 [13.55.42]

18 Q. Do you know Chou Chet's wife Im Naen?

19 A. I don't know a person by the name of Im Na (phonetic), but I
20 heard his wife was called Yeay Klei (phonetic).

21 Q. So Im Naen is not -- or is that another name of Chou Chet's
22 wife?

23 A. I don't know the individual by the name of Im Na (phonetic).
24 But the wife of Ta Sy was known as Yeay Klei (phonetic).

25 Q. Is one name maybe an alias -- revolutionary alias and the

1 other one isn't or you don't know?

2 A. I don't know about this.

3 Q. Do you know what happened to Chou Chet in 1978?

4 A. In 1978, I think it might be that Ta Sy became the Secretary
5 of the West Zone. And from the Zone Office of the West Zone to
6 Tram Kak, it is -- it was a far distance. And as you know well
7 during DK period, we had no telephone, and we don't have a radio
8 broadcast about everything like what we have now. So I didn't
9 know about that.

10 [13.58.32]

11 Q. Maybe I will refresh your memory, Mr. Witness.

12 Was Chou Chet executed in May '78?

13 A. I don't know.

14 Q. So you don't know at all Chou Chet's fate, is that your
15 answer?

16 A. Counsel, how could I know <since> he was in the West Zone? I
17 was at Tram Kak district <of Takeo>. It was far away from each
18 other. We had no telephone communication, we had no television
19 and there were no broadcast about that <incident>. Because I was
20 a lower cadre, how could I know? How could I respond to you for
21 that question?

22 Q. Did you hear after 1979 what the fate was -- what the fate was
23 of Chou Chet? Do you know that he ended up in S-21?

24 A. After 1979, I fled into the jungle at the mountain area. How
25 could I obtain any information about that?

1 [14.00.40]

2 Q. Very well. I'll name a few names to you. People from Sector
3 13, and I would like to ask you if you have any knowledge of
4 possible relationship between these people and Chou Chet. My
5 first question is about Saom, the Secretary of Sector 13. Do you
6 have any idea whether there was a relation between Saom and Chou
7 Chet?

8 A. No, I did not know about the relationship <between> Ta Saom,
9 the Sector 13 <Secretary> and Chou Chet. The last time I met Ta
10 Saom <> was at the current Khmer-Soviet Hospital when <> my
11 <left> knee <was> injured and <> I had to be hospitalised for
12 three months. And at that time, he was also hospitalised because
13 he had tuberculosis. And after <I left the hospital>, I never had
14 any news from him.

15 Q. Do you know if there was any relation between Chou Chet and Ta
16 Keav?

17 A. No, I <do> not.

18 Q. Do you know if there's any relation between Chou Chet and
19 Moeun?

20 A. I did not know the person by the name of Moeun.

21 [14.02.54]

22 Q. Moeun, the younger brother of Neary Pov (phonetic), does that
23 ring a bell?

24 A. I did not know this woman, Neary Pov (phonetic).

25 Q. Do you know if there's any relation between Chou Chet and the

1 undersecretary of Sector 13, Penh?

2 A. I knew brother Penh. However, as to the contact or
3 relationship between him and Chou Chet, I had no knowledge of.

4 Q. I mentioned to you Ta Keav, Moeun, Saom, Penh, do you know
5 what happened to them in the DK period?

6 A. Allow me to clarify, as for Moeun, I did not know that person;
7 and as for Keav, I knew him and I saw him working in Tram Kak
8 district. In 1970, he had a small physical build and at that
9 time, he was working with Khom. And I lost contact with him by
10 the time I was transferred <to> Kaoh Andaet district.

11 [14.05.04]

12 Q. To your knowledge, were -- was any of these persons that I
13 just mentioned arrested for -- had been accused of being a
14 traitor?

15 A. No, I did not and brother Penh, the <deputy secretary> of
16 Sector 13 fled to the forest <in 1979>. And later on, he died
17 when he came out from the forest. He died in Kampot province. He
18 died from illness and I even attended his funeral.

19 Q. So this means you also have no knowledge of these people being
20 potentially within Chou Chet's network; is that correct?

21 A. That is correct. I did not know -- I did not know the
22 relationship between these four individuals <and> Chou Chet. And
23 as I said early, I did not know Moeun. I knew Khieu and I knew
24 Penh, the Deputy Secretary of Sector 13, as I lived with him in
25 Kaoh Andaet district. He went -- or he fled to the jungle in the

60

1 forest upon invasion by the Vietnamese troops. Later on, he died
2 in the area west of Phe (phonetic) river in Kampot province and I
3 attended his funeral as well.

4 [14.06.58]

5 Q. Okay, Mr. Witness. I will move on to another topic. What I
6 would like to do now is use the same as I did with the statements
7 of the female witness. This time, I would like to put to you some
8 answers in this witness' statement -- that is, E313.1.18, Mr.
9 President. I am looking at duty counsel whether he has that
10 statement, E313.1.18.

11 MR. PRESIDENT:

12 Duty Counsel, have you located the relevant document?

13 Does he have it, Court officer? It seems that the duty counsel
14 and the witness do not have the relevant document.

15 And Defence Counsel, can you provide the witness with a Khmer
16 version of the document?

17 MR. KOPPE:

18 I will, Mr. President, but in the meantime, I will just start
19 with my questions and I will read the answer and the question to
20 the witness and I will do it slowly, so he can follow. This
21 witness -- I don't think I can mention his name, can I? No?

22 [14.09.58]

23 MR. PRESIDENT:

24 And Counsel, you may write the name on a piece of paper and Court
25 officer can deliver that name to the witness. We shall conform to

1 the issue of confidentiality as imposed by the International
2 Co-Investigating Judge.

3 BY MR. KOPPE:

4 Q. So this is the witness that I'm speaking about, Mr. Witness.

5 In question 757, the Investigators asked this particular witness
6 the following question:

7 "To your knowledge, did Ta Mok receive orders directly from Pol
8 Pot or Son Sen alias Brother 89, the Chief of the General Staff?"

9 Answer: "Ta Mok received direct orders from Pol Pot."

10 [14.11.32]

11 Question: "What convinced you to believe that Ta Mok received
12 direct orders from Pol Pot?"

13 Answer: "Because Ta Mok was the second person to Pol Pot.

14 Organisationally, the first person was Pol Pot; the second one
15 was Nuon Chea and Ta Mok was the third person. But when receiving
16 orders, Ta Mok received direct orders from Pol Pot, not Nuon
17 Chea.

18 As for Son Sen, he was in the Central Committee of the Party, but
19 under Ta Mok. After finishing the purges in the four zones, Pol
20 Pot appointed Ta Mok as the Chief of the General Staff, superior
21 to Son Sen. It was an internal matter of the Party. When Ta Mok
22 was appointed, there was announcement on the radio, and Son Sen
23 continued his work under Ta Mok."

24 Mr. Witness, my question is whether you are able, to your
25 knowledge, to give a reaction to this statement. Is that correct

1 what this witness is saying?

2 [14.12.52]

3 A. On the issue of the organisation structure, Pol Pot with his
4 alias as Brother Number One was the top person and that is
5 correct. And Ta Mok was likely the third top person, who received
6 direct orders from Pol Pot. Son Sen was in charge of the general
7 staff for the army. Later on, I did not have a full grasp of the
8 reshuffling of the structure -- that is, after the purges <that
9 were carried out within four zones>. I did not know the details
10 about <Ta Mok's appointment by Pol Pot as the general staff in
11 replacement of> Son Sen <>.

12 Q. There is another witness who testified earlier here who said
13 that Ta Mok was known as Brother Number Two. Is he correct or is
14 he not correct?

15 A. That is not correct. From the statement you read out, Ta Mok
16 was the third top person and it is also my understanding that Ta
17 Mok was the third top person. <Ta Mok received direct orders from
18 Pol Pot.>

19 Q. Okay, Mr. Witness, I will move on to the next excerpt from
20 this witness statement. And that is his answer to question 64.
21 The question is about plans being received from the upper echelon
22 and his answer is as follows:

23 "The meeting was held to receive work assignment. As for me, I
24 was assigned to work at a rubber plantation in Kampong Cham to
25 organise cooperatives there. Other people were assigned with

1 different tasks. During a meeting, Pol Pot said about betrayal in
2 the zones and it was also written on blackboards."

3 [14.15.23]

4 Question: "You said that Pol Pot mentioned about betrayal in the
5 zones. Did Pol Pot say about purges in the zones and organising
6 new structures?"

7 Answer 65: "Pol Pot did not use the word 'purges'. He said that
8 'this zone is traitorous. I assign you, comrade, to go; you are
9 my right hand man, deal with it. Can you do it?' The leader said
10 like this."

11 My question: Do you know of such a meeting where Pol Pot
12 attended?

13 A. No, I did not as I did not attend such a meeting.

14 Q. Following up on this -- following up the question of Judge
15 Lavergne yesterday, you were speaking about a meeting of cadres
16 at which Nuon Chea attended and spoke. My question is: Do you
17 remember how many cadres were with you listening to the words of
18 Nuon Chea?

19 [14.16.48]

20 A. I cannot recall the number -- that is, the total number. As
21 for the Borei Keila building located to the north of Preah Put
22 Pagoda, that hall at the Borei Keila was fully packed. But I
23 cannot recall the exact number.

24 Q. But if you try to remember in your recollection, how many --
25 approximately how many cadres were listening to the speech of

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1 Nuon Chea? Were it tens, were it hundreds, thousands?

2 A. It is my estimate that the number was around 100 or a few
3 less.

4 Q. Judge Lavergne tried yesterday to jog your memory in relation
5 to that meeting. Do you know whether, similar like Pol Pot in the
6 other meeting, Nuon Chea did not use the word "purges"?

7 A. I cannot recall it.

8 [14.18.56]

9 Q. Next question is also based on an excerpt of this witness.

10 Question 95: The witness is asked by the Investigating -- by the
11 Investigators, the following question:

12 "You said that Son Sen was under Ta Mok. To your knowledge, was
13 it possible that Ta Mok was the one who assigned Meas Muth as the
14 Division 2 Secretary?"

15 Answer: "I do not think so because the Central Committee in
16 charge of the military made the decision. The people in charge of
17 the military included Son Sen, Ta Mok, and Pol Pot. No single
18 person decided this matter; it was decided by all of them. I
19 would like to answer that I do not know the answer to this
20 question because I am not sure."

21 Mr. Witness, I can understand that you have no answer, but do you
22 know anything about the Military Committee within the Central
23 Committee?

24 A. No, I did not know about the Central Military Committee. What
25 I knew was that Son Sen was in charge of the general staff. As to

1 the number of his deputies, or members, I had no idea.

2 [14.20.52]

3 Q. Thank you, Mr. Witness. Now question 126 of this witness
4 statement, again I would like to read that statement to you -- or
5 that answer to you, and I would like to ask your reaction.

6 When I -- 126: "When I left for Kampong Cham, they remained in
7 the Sector Committee. One year before the Vietnamese invaded,
8 Saom was transferred to Phnom Penh and assigned as the Office
9 Chairman of the Ministry of Foreign Affairs."

10 Do you know if this is the Saom that I just mentioned when I
11 asked you the question if he had any relationship with Chou Chet?

12 A. Yes, that was him, that's Saom. But I did not know that he was
13 appointed to be in charge of an office at the Ministry of Foreign
14 Affairs. As I stated earlier, I saw him in July or August of
15 <'77> when he was hospitalised at the Khmer-Soviet Hospital. <He
16 was suffering from tuberculosis.>

17 Q. Just -- I'm not sure if I asked this before, but did you have
18 frequent contact with Saom?

19 A. When brother Saom was the Secretary of Sector in Takeo
20 province around 1970 or 1971, then I was transferred to Kaoh
21 Andaet district and I only met him roughly once every six months
22 at that time, and <I usually came with Brother Penh.
23 Subsequently,> after 1975, I had a rather frequent contact with
24 him, mainly on a monthly basis, and my main contact with him was
25 on the matter of the study or training sessions.

1 [14.23.40]

2 Q. How about in the period between '75 and '79 -- I'm not clear
3 on this -- did you see him and speak with him frequently between
4 '75 and '79?

5 A. I met him probably once a month, or once every two months,
6 during that period. From the period of 1975 to '77, I was at Kaoh
7 Andaet district so I did not meet him that frequently. I met him
8 during that period probably once every two months, or three
9 months. But after 1977, I met him at the hospital, as I stated
10 earlier. <He was also a patient there.>

11 Q. And is it correct that you never spoke to him about his
12 relationship with Chou Chet? Or that you don't know about any
13 relationship between him and Chou Chet?

14 A. I already responded to that question, that I did not know
15 about their relationship.

16 [14.25.26]

17 Q. You're right, Mr. Witness. Now I will move on to question 188
18 in this same witness statement. The witness in answer 188 is
19 referring to a document, and -- he answers in relation to a
20 question about this document: "I received an instruction letter
21 from Pol Pot in August 1978 to stop executing people. This letter
22 was issued to the public."

23 Do you remember anything about a letter from Pol Pot, a public
24 letter, ordering the executions to stop?

25 A. My apology; I cannot recall that.

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1 Q. That's all right. My -- I think last question when it comes to
2 this particular witness, and that is about his answer in 244, you
3 briefly spoke about this already, but I would like to ask you a
4 specific question. The witness is being asked:

5 "Do you know what happened to the Khmer Krom when they arrived in
6 Kirivong district?" 243.

7 And his answer, 244: "I was not worried about the Khmer Krom
8 because they were mistreated by the Vietnamese so they fled to
9 Cambodia."

10 And in his answer, 248, he says: "I think that those Khmer Krom
11 people left Vietnam because they were mistreated by the
12 Vietnamese and fled for help from Khmer people."

13 Do you know anything about Khmer Krom people fleeing Vietnam
14 because they were mistreated by the Vietnamese?

15 [14.27.59]

16 A. When Vietnamese troops entered Kampuchea, I fled to the
17 <mountains> and I came across the Khmer Krom people who were also
18 fleeing, and they were under the supervision of a man known as Ta
19 Prach (phonetic), but I did not know the exact number of Khmer
20 Krom <soldiers> in this group. <They were also fleeing.>

21 Q. Do you know anything about the mistreatment of Khmer Krom
22 people by the Vietnamese in 1975 or before, or 1976, 1977?

23 A. No, I was not aware of that.

24 Q. Mr. Witness, in a report on the visit of the Japanese
25 Friendship Association delegation -- that is, E3/294; English,

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1 ERN 00170173 -- I will follow up, Mr. President, with the French
2 and the Khmer ERN. And in relation to this visit, I read the
3 following in the report on that visit. It says, in the second
4 paragraph of the first page of E3/294:

5 [14.30.14]

6 "In the Takeo sector, the friendly guests interviewed some Khmer
7 Krom compatriots who were victims of Vietnamese persecution and
8 suppression and who have taken refuge in Kirivong district. The
9 friendly visitors were shocked by the tales told by the Khmer
10 Krom compatriots about the massacres and the atrocities
11 perpetrated by the Vietnamese with the aim of exterminating the
12 Khmer race in the most fascist and savage manner."

13 I know, Mr. Witness, that you were not involved in receiving the
14 Japanese delegation, but do you know anything about this apparent
15 concern that was uttered to the Japanese delegation?

16 A. Since I did not meet them I didn't know anything about that.

17 [14.31.24]

18 Q. Well, the Japanese visitors were told that these apparent
19 atrocities occurred. You were in that commune, you had received
20 earlier delegations. So again my question is: Do you remember
21 anything about persecution by Vietnam of Khmer Krom and that
22 representatives of the DK were reporting this to foreign
23 visitors?

24 A. I already stated that I did not meet with this Japanese
25 delegation. I only met the Khmer Krom people when I was fleeing

1 to the mountains and those Khmer Krom <soldiers> were under the
2 <command> of Ta Prach (phonetic). On the tragedy of the Khmer
3 Krom people, I did not witness it or hear it during the regime.

4 Q. Thank you, Mr. Witness. In the same document, DK
5 representatives speak to members of the Japanese delegation and
6 they, according to this report, told them that they oppose
7 hegemonism and that they oppose the Indochina Federation. That's
8 in the third paragraph of this document, E3/294. Mr. Witness,
9 what is the Indochina Federation?

10 A. I heard Ta Mok spoke about the Indochina Federation and that
11 it refers to the Federation amongst Vietnam, Laos and Kampuchea.
12 During the French colony, the French used the term "Indochine
13 Française", and it referred to this Indochina Federation that
14 encompassed the three countries: Vietnam, Laos and Kampuchea. Ta
15 Mok also stated that Vietnam wanted to <merge> the three
16 countries <into> one<, and that is Vietnam>.

17 [14.34.30]

18 Q. And did Ta Mok ever explain how Vietnam intended to achieve
19 this purpose?

20 A. Yes, he did give explanation on that. He explained to me and
21 to other cadres on the issue of the Indochina Federation <and its
22 purpose>.

23 Q. Do you remember his exact words?

24 A. It's been so many years so I cannot recall the exact words
25 that he spoke at the time.

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1 Q. Do you know, or do you remember how Vietnam tried to achieve
2 the purpose or the goal of an Indochinese Federation? Do you
3 remember anything about that?

4 A. No, I cannot recall it.

5 [14.36.12]

6 Q. Mr. Witness, I'm sure you've read "Revolutionary Flags"; I'm
7 sure you've listened to the radio of Democratic Kampuchea; don't
8 you remember anything what DK officials were saying at the time
9 about Vietnam's ambitions?

10 A. I listened to the radio and I read the "Revolutionary Flag"
11 magazines; I heard and I actually heard something similar to the
12 statement that you just read out. However, now I dare not want to
13 speak about this because lots of Vietnamese people are now living
14 in Cambodia.

15 Q. That is true. Mr. Witness, I will move to another subject.
16 It's also almost 20 minutes to 3.00. Mr. President, just to be
17 complete, the ERN number -- there are no French and Khmer ERN
18 numbers, I just -- so I would like to move to another subject.
19 But if you want to take the break now, then I am in your hands.

20 MR. PRESIDENT:

21 Thank you, Counsel, and since you will start a new topic, it is
22 now convenient to take a short break. We'll take a break now and
23 return at 3 o'clock.

24 And Court officer, please assist the witness during the break and
25 invite him, as well as his duty counsel back into the courtroom

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1 at 3 o'clock.

2 The Court is now in recess.

3 (Court recesses from 1438H to 1501H)

4 MR. PRESIDENT:

5 Please be seated. The Court is now back in session and before I
6 hand the floor to counsel Victor Koppe, the Chamber would like to
7 remind the defence teams that you have the rest of this afternoon
8 and one additional tomorrow morning session and that is all the
9 time allowed for the Defence. You can proceed, Counsel Koppe. And
10 Counsel Koppe, please arrange the time -- the combined time for
11 the defence teams, with the Khieu Samphan defence team. Thank
12 you.

13 [15.02.08]

14 BY MR. KOPPE:

15 Yes, Mr. President.

16 Mr. Witness, I have a few more topics that I would like to
17 discuss with you, but before I do that I would like to go back to
18 your very last answer before the break. I'm not quite sure if I
19 understand.

20 Q. Did you say that you were afraid to give answers on Vietnam's
21 policy because of what exactly?

22 MR. NEANG OUCH:

23 A. Counsel, please put your question again.

24 Q. You said something before the break, Mr. Witness, when I was
25 asking you questions about the Indochinese Federation and

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1 Vietnam's ambitions and then you said something to the effect
2 that you were somehow afraid to speak about that because of the
3 fact that many Vietnamese lived in Kampuchea. Was that your
4 statement? And if yes, what exactly do you mean with that?

5 [15.04.00]

6 A. I prefer not to talk in length about the ambition of Vietnam
7 because if I do so, then I would be concerned about my personal
8 safety. When I appear before this Court, my photo, my voice, my
9 video and the content of what I say are broadcast everywhere by
10 radio and television. Vietnamese people could hear it and listen
11 to it and <they even live> in Samlout <and Pailin> and everywhere
12 also can hear it and listen to it. For that reason, and for my
13 personal security, I prefer not to talk at length on this issue.

14 Q. Also when I ask questions about Vietnam's policy 40 years ago?

15 A. I still have concern as I just stated.

16 [15.05.30]

17 Q. Very well, Mr. Witness, I move on to my new -- to my last
18 topics and one of my last topics is something that I would like
19 to discuss with you with the document E3/4093 in hands. That's
20 the document that we have been discussing today and yesterday at
21 length.

22 Mr. Duty Counsel, E3/4093.

23 And more specifically, I would like to ask you a question about
24 English page - English, ERN page 00831489; Khmer, 00270790; and
25 French, 00729676. This report is writing something about two

1 women, one is named Naichi, the wife of Seng.

2 MR. KOPPE:

3 I see that the witness still hasn't -- this one, I know, Mr.

4 President, he has in front of him. This is E3/4093. That's the

5 document with your signature. And then I would like to take you,

6 Mr. Witness, to Khmer page that ends with 90. And the document

7 talks about two females: Naichi, the wife of Seng; and Phana. Are

8 you seeing it?

9 Mr. President, I have an extra copy.

10 [15.08.00]

11 MR. PRESIDENT:

12 Court officer, please take the document from the defence counsel

13 for the witness examination.

14 BY MR. KOPPE:

15 Q. So, like I said, Mr. Witness, I would like to draw your

16 attention to what is written in relation to Naichi and especially

17 the box that I made for you. It says, and I read the English

18 translation:

19 "This woman has contradictions with the revolution leading to

20 endless sorting out. Along with this, she constantly looks down

21 on the leading cadre. As for her activities, she pretends to be

22 crazy and endlessly steals everything. No matter how she is

23 educated, she refuses to refashion herself."

24 My question, Mr. Witness, is to the sentence -- about the

25 sentence "no matter how she is educated, she refuses to refashion

1 herself". Would you be able to say anything about the amount of
2 times attempts were made to re-educate or refashion people, in
3 general?

4 MR. NEANG OUCH:

5 A. As for the time period for re-education, usually <one
6 re-education session> would last for half a day.

7 [15.10.12]

8 Q. Would it happen that somebody was sent for re-education,
9 finished the re-education and then at one point in time came back
10 and was sent for re-education again, and again, and again?

11 A. On this issue that the person <who pretended> to be crazy or
12 was believed to be crazy, then the re-education sessions <would>
13 continue <and if it was believed or concluded that the person was
14 crazy for real. The person would not be punished.>

15 Q. Would you be able to give an estimate as -- in general -- up
16 to how many times could somebody be sent for re-education?

17 A. They would use the period for the re-education sessions from
18 anywhere between two weeks to one month.

19 Q. So did it happen, that you know of, that somebody was sent for
20 re-education, came back and was sent for re-education again, but
21 then for a longer period of time? And then came back again and
22 was again sent for re-education?

23 A. I did not encounter that issue.

24 [15.12.40]

25 Q. Okay. Mr. Witness, when somebody was sent to re-education

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1 Office 105, also known as Krang Ta Chan, do you know if
2 re-education was done there as well, and if yes, can you say
3 something about how long the re-education could last for people
4 who were sent to Krang Ta Chan?

5 A. I did not know about that, however, concerning the issue of
6 the woman in this document, she would probably be re-educated at
7 Meng's place <located to the west of> Angk Roka. <However,> I did
8 not know <of re-education sessions> at the Krang Ta Chan office.

9 Q. Why are you saying that she might be sent there rather than to
10 Krang Ta Chan?

11 A. This woman was involved in a minor offence and she would be --
12 she would likely be sent to the education place <where people
13 were sent for refashioning located to the west of> Angk Roka
14 <market> -- that is, at the place where Meng was in charge.

15 [15.14.48]

16 Q. Thank you, Mr. Witness. As just mentioned by me before, Krang
17 Ta Chan was officially named Re-education Office 105. The title
18 of this office or centre would imply that people were sent there
19 for re-education. Do you know whether that was really the case or
20 was it -- or did the title not fit with the events or the things
21 that happened there? Can you say anything about the title of that
22 security centre?

23 A. It was <a> re-education office.

24 Q. So is it your testimony that the title of the office
25 accurately reflects what went on in Krang Ta Chan?

1 A. I did not know the details of the activities of what went on
2 at the Krang Ta Chan office.

3 Q. Do you know, Mr. Witness, whether people who were sent to
4 Krang Ta Chan were also interrogated about their alleged
5 activities?

6 A. They could be interrogated at that office.

7 Q. Did you ever read interrogation reports or were you ever
8 informed about the contents of interrogation -- interrogations of
9 people who were sent there?

10 A. I never received such a report.

11 [15.18.22]

12 Q. Mr. Witness, there's testimony before this Chamber that would
13 imply that people were sent to Krang Ta Chan, Re-education Centre
14 105, without being interrogated and executed immediately. Do you
15 know anything about this?

16 A. Whether they ever interrogated or they were kept for quite
17 some times before they were interrogated, that's beyond my grasp
18 of what went on there.

19 Q. Thank you, Mr. Witness. I would like to ask you another
20 question about words being used within Democratic Kampuchea and I
21 would like to show you two reports -- two Tram Kak district
22 reports. The first one is E3/2453 and that is English ERN
23 00388586 and Khmer ERN 00270784.

24 MR. KOPPE:

25 I have a copy with the relevant page with me, Mr. President, so

1 maybe if you allow the Court officer to present this page from
2 E3/2453 to the witness and I would like to ask him a question.

3 [15.20.40]

4 MR. PRESIDENT:

5 Yes, you may do so.

6 BY MR. KOPPE:

7 Q. Mr. Witness, this seems to be a report from Nhaeng Nhang
8 district and in the middle of that page, there's a sentence and I
9 would like to read that to you. It says, in English: "my analysis
10 is that they have plans to smash our Revolution." So it's in an
11 orange -- it's in the orange on the first page, Mr. Witness. It's
12 on the orange -- the orange colour. So my question is about the
13 sentence: "my analysis is that they have plans to smash our
14 Revolution". What does the word "smash" mean here?

15 MR. NEANG OUCH:

16 A. To "smash" here means to destroy.

17 Q. So it's another word than killing, is that what you're saying?

18 A. No, in this context it does not mean killing. It means to
19 destroy.

20 [15.22.48]

21 Q. I have one more example, Mr. Witness, that I would like to
22 show you.

23 MR. KOPPE:

24 Mr. President, this document is not on the interface so I'll be
25 slowly in putting it before the witness. It's E3/2053, the

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1 English ERN is 00276578 and Khmer ERN is 00079122, and I would
2 like to ask your permission, Mr. President, to also present this
3 document to the witness. I also have it -- the paragraph coloured
4 for easier reference.

5 MR. KOUMJIAN:

6 Just for the record, to move things along, we have no objection.

7 MR. KOPPE:

8 Thank you Mr. Prosecutor.

9 [15.24.16]

10 MS. GUIRAUD:

11 <We have one, well we have a reservation in any case>, can the
12 colleague present the document to us so that we <are able to>
13 read it before he gives it to the witness? I think those were the
14 rules that we <all> agreed <upon. Could> we therefore <have the
15 possibility to familiarise ourselves with> the document before <>
16 our colleague puts a question to the witness and provides him
17 with that document?

18 MR. KOPPE:

19 I just said very, very slowly the E3 number so I would imagine --
20 you can see the Prosecution being helpful so I think the Civil
21 Party Lead Co-Lawyer should be able to get this document on her
22 screen.

23 MS. GUIRAUD:

24 <I request> clarification <from the President on> this <point>.

25 (Judges deliberate)

1 [15.27.12]

2 MR. PRESIDENT:

3 On this issue, the Prosecution does not object to it, however,
4 the Lead Co-Lawyer for civil parties requests the document to be
5 presented by the defence counsel and in fact, the defence counsel
6 provided the document number already -- that is, E3/2053. How
7 much time does -- rather how much time do you need, the
8 International Lead Co-Lawyer for civil parties, for you to review
9 this document before the defence counsel can continue putting
10 questions to this witness?

11 MS. GUIRAUD:

12 Thank you, Mr. President. Of course, we have uploaded the
13 document <on our screen> in the meantime, <I believe there is>
14 simply a problem, <our colleague doesn't understand the>
15 principles of adversarial hearings. <The principle of adversarial
16 hearings is> that parties should be notified in advance of <any
17 documents> that are going to be used during the hearings. <So,>
18 all we need is a few minutes to be notified so that we can
19 <download> it and then, <once that has been carried out,> the
20 document can be presented to the witness. We're only asking for
21 that -- for a few minutes, <a few minutes> that we <could have
22 used while> you were deliberating, but I <consider it important
23 once more that we all adhere to the procedure.>

24 [15.29.05]

25 MR. PRESIDENT:

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1 Thank you. And when Counsel Koppe made an announcement that the
2 document was not uploaded on the interface and the Chamber, of
3 course, considered that because the document is only <of> two
4 pages and for that reason, we grant the defence counsel to do it
5 and to proceed. And of course, we wish to implement the
6 instructions that we set <way back in 2011-2012> for all the
7 Parties in terms of uploading the documents on the interface. And
8 in the case that you failed to do so, you need to provide the
9 reason to the Chamber and ask for the Chamber's leave before you
10 can proceed with the reference to that document. <And other
11 Parties are also encouraged to provide their input before the
12 Chamber makes its ruling.> And <as for this case>, even the
13 Co-Prosecutor does not object to it and for the Lead Co-Lawyer
14 for civil parties, you also do not object to it but rather to
15 remind the Parties and the Chamber on the principle of uploading
16 the document onto the interface.

17 [15.30.41]

18 And of course, Counsel Koppe, please try to follow the
19 instructions and to upload the documents that you intend to use
20 onto the interface as instructed by the Chamber.

21 And Counsel Koppe, in fact, you can proceed, but before that, you
22 are reminded that you have half an hour this afternoon and
23 tomorrow morning only one session, that is starting from 9
24 o'clock until the short break, not the full morning sessions.

25 MR. KOPPE:

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1 Thank you -- thank you, Mr. President. Just to clarify, this is a
2 typical document that came up at the second day of questioning by
3 the Prosecution, so sometimes things come up and that's why I
4 would like to use this document. It's impossible to always know
5 in advance exactly what we are trying to ask --

6 JUDGE FENZ:

7 The idea is to follow procedures. We have acknowledged that this
8 might happen and we have established a procedure.

9 [15.31.48]

10 MR. KOPPE:

11 Yes, yes. So Mr. Witness, I would like to show you, and with the
12 permission of the President, I will bring that to you or have
13 that brought to you -- E3/2053. And I would like to ask you to
14 have a look at the sentence that I coloured in orange.

15 MR. PRESIDENT:

16 Your request is granted, Counsel.

17 [15.32.35]

18 BY MR. KOPPE:

19 Mr. Witness, this is a report currently from Trapeang Thum south
20 cooperative and I would like you to have a look at English, ERN
21 00276578; and you have in front of you the Khmer ERN, which I
22 don't have now. In the middle -- or in the third paragraph of
23 this report, it says as follows: "Their plans are as follows" --
24 and the plans -- the document is talking about four people who
25 are having plans. It says: "Number 1: Their five-year plan is to

1 ensure the smashing of the cooperatives. If they cannot destroy
2 them in five years, then seven years, and if they still cannot
3 smash them, they have further plans to do whatever is necessary
4 to wear down the cooperatives and to absolutely oppose communal
5 dining."

6 Q. My question is a very simple and short one. The word "smash" -
7 "komtech" (phonetic) - is being used here as well; can you tell
8 us if you know what the word "smash" means here?

9 MR. NEANG OUCH:

10 A. Smash here means to damage or to destroy the cooperative.

11 [15.34.15]

12 Q. Thank you, Mr. Witness. My final subject is the following --
13 that's your position in relation to teaching. You, as I
14 understand, held a position in respect of education, both before
15 DK and maybe also during DK. Can you tell the Chamber what was
16 the general purpose of education within DK? What were the aims of
17 the CPK in relation to education of the people? Are you able to
18 tell us something in general about these objectives?

19 A. Counsel, could you ask me more specific<?> Are you referring
20 to teaching or any -- or education to which group of people?

21 Q. I'll be more specific. My question is what were -- what was
22 the purpose -- what were the objectives during the DK regime in
23 respect of education of children, small children, older children,
24 students? What did the DK authorities envisage? What did they try
25 to achieve in terms of education?

1 [15.36.12]

2 A. For children, the main purpose of teaching was to teach them
3 how to write, to read. The second purpose was to educate them to
4 love the Revolution and Democratic Kampuchea and to work hard and
5 to do the labour or any work for a progress in their village,
6 commune and cooperative. And there were other <purposes>,
7 including <equipping> those children <with> good morality, to be
8 humble, to be gentle, and to give up the character as a person of
9 hooligan or rude person. That's all I can tell you.

10 Q. So was it the objective of the DK regime to organise primary
11 education to small children, secondary education to older
12 children, and also to create universities? In other words, was
13 one of the purposes, as you remember, of the DK to educate people
14 -- educate students, mathematics, languages, et cetera?

15 A. During the time when I was at Tram Kak, there was a teaching
16 programme for the children and also the teaching of <the>
17 alphabet, reading and also some arithmetic but there was no
18 foreign language as part of the teaching. And there was also
19 geography as part of the curriculum so when children were at the
20 third or the fourth grade, there were geography classes and there
21 were textbooks - students' books, including part of Khmer
22 literature and mathematics but we don't have foreign language as
23 part of our programme during the time. But when people fled to
24 the border area, there were programmes <of> foreign languages,
25 including English language and Thai language, which is operated

1 or taught by the DK <>.

2 [15.39.53]

3 Q. Are you in a position, Mr. Witness, to say something in
4 general about the position of teachers in DK? Were there many
5 teachers or were you actively looking for teachers to teach the
6 children? What can you tell us about the position of teachers
7 within DK?

8 A. Most of the time, the teachers at Tram Kak were women <>, and
9 the training and education <sessions> were about technical on
10 psychology and also teaching methods were trained to those
11 teachers. And the training session would be organized every month
12 or every three months.

13 Q. When you were a teacher in the DK period, was that a reason to
14 be fearful? Were teachers being threatened in the DK period?

15 A. One of the <statements> indicating that I was a teacher, <and
16 that> I was in charge of 105 teachers <was not accurate>. But, <>
17 teachers at Tram Kak <district> were not fearful of anything
18 <including the DK policy. They lived and worked like anyone else
19 in their respective cooperatives>.

20 [15.42.20]

21 Q. Now, Mr. Witness, it seems that also after '79, you stayed
22 active in education. I would like to read to you your answer to
23 Question 102 and I would like to ask you to give some more
24 details on this. The question of the Investigators is as follows:
25 "You are now living in Samlout. Do you hold any position in any

1 party or in the civil service?" And your answer is: "No, the
2 Khmer Rouge called me to Samlout in 1995 and I was assigned to
3 take charge of education in Samlout. When there was the
4 integration programme in 1996, the government led by Hun Sen
5 assigned me to be chairman of education, youth and sports of
6 Samlout district."

7 Is that answer indeed what you told the Investigators?

8 [15.43.30]

9 A. Yes, this is correct. In 1995, I was called by Democratic
10 Kampuchea to live in Samlout and I was assigned as a person who
11 <was> in charge of education, but now we can say <district
12 department of> education<,> youth and <sports> in Samlout
13 district, and later <after> the reintegration into the
14 government<, I was appointed by the government> as the chief of
15 the department of <education,> youth and <sports> for Samlout
16 district. And after the 5th and 6th of July 1997, I fled to live
17 in a camp in Thailand. And when I returned in 1998 or 1999, I was
18 removed from my position as the chief of the department of
19 <education,> youth and <sports> for Samlout <district>. That's
20 all.

21 Q. Thank you, Mr. Witness. Are you able to make a comparison as
22 to the state of education in Cambodia '96/'97 and the state of
23 education in general within the DK period? Can you make a
24 comparison? Were there differences or were there many things the
25 same? It's a difficult question, but I hope you will be able to

1 answer this question.

2 A. During Democratic Kampuchea period before the integration into
3 the current government and before the current government took
4 control of the education matter, <> my <apologies>, Counsel, I
5 <was> not <knowledgeable about> this matter. But when I arrived
6 in Samlout in 1995, the education, the teaching and programme for
7 students at Samlout <became> much better <as students studied in
8 their classrooms> both in the morning and in the afternoon. <As
9 for these days, students either go to morning sessions or
10 afternoon sessions. There are more classrooms and schools, but
11 study sessions are shorter.>

12 [15.46.47]

13 MR. PRESIDENT:

14 Counsel and Witness, you seem to go beyond the scope of the
15 question, because the question focused on - for you to make a
16 comparison between the education during the DK period and after
17 that during the time when you were in Samlout <in 1995 - '96>.

18 MR. NEANG OUCH:

19 A. Yes, my comparison of the DK education and the education
20 during <1995 - 1996>, the education during DK period was focused
21 on textbooks and better materials and <it was> the same for the
22 education in 1996. But the education during 1995 and 1996 was
23 better, because we had a school building and good classrooms. But
24 back in the DK period, the school buildings were not appropriate.
25 Sometime, we taught students under a tree. But I can tell you

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1 only what happened in Samlout in 1995 and 1996. It was much
2 better than the education back in the DK era. <Since> I was in
3 charge of the <district> department of <education,> youth and
4 sports, I would invite all teachers <twice a> month to give them
5 additional training for improvement. <I am referring to the
6 period of 1995 - '96.> That's all I can tell you, Mr. Counsel.

7 [15.48.53]

8 BY MR. KOPPE:

9 Q. My last question on the situation of education in DK: Are you
10 able to tell us what the effects were of the civil war, the war
11 of liberation that lasted between 1970 -- or 1968 and 1975? Did
12 the war have an impact on education, in terms of destruction of
13 school buildings, et cetera?

14 MR. NEANG OUCH:

15 A. The war from -- are you asking me from 1970 to 1975?

16 Q. As you know, as we all know, Mr. Witness, there was a long
17 civil war up until 1975. My question is whether you can say
18 something about the effects of the war on education, on school
19 buildings, on organization, et cetera.

20 [15.50.12]

21 A. The war from 1970 to 1975, it was a five-year war. It had a
22 great impact on the <field of education as> school buildings,
23 pagodas and other buildings <were destroyed>, and <> students and
24 children had no chance to get to study in the building. But they
25 had to get their study and education under <trees> and different

1 places which <were> not appropriate. So the impact of the war was
2 great in extent. This is what I experienced in Takeo province. I
3 cannot say for other provinces <across the country>.

4 Q. My last question, Mr. Witness: Was it the purpose of DK to
5 rebuild the education as quickly as possible and to repair the
6 destruction that the war had cost? Is that what the purpose was,
7 in terms of education in DK?

8 A. After the end of the five-year war, DK had a great purpose for
9 improving education. We <tried> our best to build school
10 buildings and to call more students and pupils to go to school,
11 and we gave trainings to teachers about <pedagogical techniques>.
12 These are the <main> purposes of DK at the time. And there were
13 other main purposes of the Democratic Kampuchea in the education.
14 So, that's all I can tell you, in summary, Mr. Counsel.

15 [15.52.42]

16 MR. KOPPE:

17 Thank you very much, Mr. Witness. Thank you, Mr. President.

18 MR. PRESIDENT:

19 We have limited time, but we need to proceed with our task that
20 the Chamber informed the <Parties> this morning, especially
21 <regarding> the request by OCP, document <E319/7>. This
22 afternoon, the defence counsel for Nuon Chea <> indicated clearly
23 on this matter, and the Chamber would like to hear from you in
24 response to the request by the Co-Prosecutors regarding <hearing
25 testimonies of> the new witness, the document E319/7 <>.

1 <> Counsel for Mr. Khieu Samphan, <do you have any observation to
2 make? The> Chamber obtained the oral submission from the defence
3 counsel for Mr. Nuon Chea, but we would like now to hear from the
4 defence counsel for Mr. Khieu Samphan.

5 [15.54.21]

6 MR. VERCKEN:

7 <Very well,> Mr. President, as regards the merits <and> the
8 question that has been <directly> asked, the written statement of
9 this person has been referred to a lot and used during <this
10 hearing>, so we therefore do not object to the summoning of this
11 person to appear before this Chamber, because we are very much
12 attached to Rule 84 <of the Rules of Procedure and to respecting
13 the principal of> adversarial proceedings. If you, indeed, decide
14 to call <this> witness to appear before the Chamber, it would
15 nevertheless be necessary for you to give us the time to read the
16 <16 folders worth of statements> taken from Cases 003 and 004,
17 <that were forwarded on> by the Prosecution. This is a huge
18 volume of documents, not only to read, but also to analyse.

19 [15.55.40]

20 There are, probably, <many> other witnesses who address the same
21 issues as those addressed by the witness <of whom we're speaking
22 right now>. In order to properly cross-examine <this> witness, it
23 is, of course, important for <the Defence,> to <familiarize
24 ourselves> not only <with> the statements by this witness <in
25 question>, but <also with> all other statements that have been,

1 <for the time being, transmitted> by the Prosecution, and which
2 may deal with the same subject.
3 Still with regard to these questions, let me point out that
4 <last> Thursday afternoon, when <you> had the Trial Management
5 Meeting on the subject of the 16 folders served by the prosecutor
6 <and then we requested 6 additional weeks without hearings in
7 order to allow us to move forward with the analysis, the reading
8 and to be able> to work on <these statements>.
9 <Then, the> following day, <your> Senior Legal Officer, <Mr. Ken
10 Roberts,> also <sent an email to the Parties on the very subject
11 that I would like to request clarification on now. In this>
12 email, it is indicated that <your Chamber> will not postpone the
13 appearance of <the> witness before us <today> because the
14 application was made too late, <and because> the person is
15 elderly and lives far from Phnom Penh. It is also said that <the
16 following witness, TCW-948>, would appear before this Chamber
17 <just after this witness>, but <that email does not> explain why
18 that witness <has been kept> on the list. I do not know whether
19 <we are to take from the> lack of an explanation <> that <> all
20 the applications made by the Parties <the day before the hearing>
21 were denied <or if your> Chamber <only took charge of a portion
22 of the problems -- if you will -- in saying that the witness>
23 before us would appear <regardless>. And that the next witness
24 would also appear before the Chamber, even though <they do not
25 explain to us why that is the case>.

1 [15.58.33]

2 Be that as it may, I do not know the <exact> position of <your>
3 Chamber regarding the applications made during the Trial
4 Management Meeting. I have not failed to <notice>, like everyone
5 else here <most likely>, that in the memorandum you disclosed the
6 next day<, Mr. President,> regarding the <dates of judicial
7 holidays>, you <told> the Parties <that they> could avail
8 themselves of the time during which the Chamber would not be
9 sitting to study <any new evidence that they could have
10 potentially been provided with.>

11 <I'm not sure what you mean when you refer to these new pieces of
12 evidence that could be "potentially transmitted", but I did get
13 the impression from reading this text that that could possibly
14 concern the 16 folders. These 16 folders that, and I am repeating
15 what I said earlier, for which we would like an additional 6
16 weeks to go about not just reading, but also analysing their
17 contents.>

18 [15.59.50]

19 To conclude, I would like to point out that the <concern of the>
20 defence of Khieu Samphan, in the face of this situation we face
21 today, <is that we are once more experiencing> the practice that
22 was adopted in the first trial, notably that your Chamber decided
23 -- while we were drafting our closing arguments -- that it
24 considered that approximately 1,500 written statements <would be
25 submitted as evidence> in lieu of testimony. And <that> this

1 decision <was>, of course, <part of the grounds for the> appeal
2 we raised regarding your first judgement. I, of course,
3 understand that <for now> you've <made reference to the fact>
4 that since <the investigations for> Cases 003 and 004 are still
5 <ongoing>, you are not in a position to master the <sort of>
6 "flow" of future <exchanges which could take place or indeed to
7 transfer written statements from Cases 003 and 004 to your trial,
8 but I regard such a position as unreasonable. You cannot, to> my
9 mind, as part of a fair trial, <allow for a perpetual free flow
10 of new evidence and written documents. You must decide upon a
11 rule, be it chronological through fixing a date, or indeed a
12 rule-- ,>

13 MR. PRESIDENT:

14 <Counsel, we have listened to this many times already.> We
15 allowed you the floor last time to speak on this issue, but you
16 did not participate in <the TMM> meeting. And today we only have
17 a very brief moment and the main focus is on the submission by
18 the Office of the Co-Prosecutors in document E319/7, that is to
19 hear a new witness. Luckily, it was just one witness. So, it
20 seems that you only reiterated the issues and the submissions
21 made by other parties during the Trial Management Meeting that
22 was held last time.

23 [16.02.51]

24 Secondly, on the issue of witness 2-TCW-948, it is not a subject
25 to the request by Nuon Chea's defence. Nuon Chea's defence only

1 raised the issues concerning two witnesses only, that is
2 2-TCW-803 and 809. The Chamber considers the matter and also
3 notified the Parties due to <the age and> the long distance of
4 travelling of this particular witness and that was reiterated in
5 a report by WESU, who urged the Chamber to continue to hear the
6 testimony of this person as it takes several days for the
7 traveling to and from his residence. And also that was the point
8 that was raised by Nuon Chea himself.

9 [16.03.51]

10 So, I don't think that the time the Chamber give to you, you make
11 your submissions regarding the OCP request in the document
12 E319/7, and rather you raised many other points out of this
13 subject matter and which had already been addressed during the
14 TMM meeting. If you have any submission to make regarding
15 document E319/7, you may continue. Otherwise, you will not be
16 allowed the floor, as we still have another party to provide
17 their oral submission on this matter, and we are even now running
18 out of time.

19 And, in fact, after we listened to the Parties during the TMM, we
20 deliberated <with> most of the Judges of the Trial Chamber and,
21 at present, we are in the process of issuing our decision. As
22 this matter is also complicated, dealing with the International
23 Co-Investigating Judge and the works that he's doing right now,
24 we are in the consultation and discussion with the International
25 Co-Investigating Judge on the relaxation of certain restrictions

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1 on the documents, but so far we haven't got any result yet. And,
2 in fact, this morning, we were five minutes late. We were waiting
3 for the response from the International Co-Investigating Judge on
4 this very issue so we can use it -- or incorporate it in our
5 decision. And if, of course, we cannot make a decision on this
6 issue, then additional TMM will be scheduled.

7 [16.06.05]

8 However, there was no need, since TMM was held and we are in the
9 process of making our decision. And all Parties did not oppose to
10 the disclosure of documents by the Prosecution, as it conforms
11 with the practice of other international tribunals. If you have
12 any observations or submissions to make regarding document
13 E319/7, you may proceed. Otherwise, the floor will not be given
14 to you, as the matters you <> raised <had already been> dealt
15 with in the last TMM.

16 MR. VERCKEN:

17 Mr. President, I simply was underscoring the reasons why, <and
18 indeed explaining to you the reasons why it seemed to me that-- >

19 MR. PRESIDENT:

20 <You are not given the floor to raise the issues now since> the
21 matters were raised during the TMM, but you did not avail
22 yourself to attend the TMM.

23 MR. VERCKEN:

24 Yes, but <go figure, Mr. President, there are indeed transcripts
25 that I do read and I read them> this time-- >

1 [16.07.32]

2 MR. PRESIDENT:

3 Of course, you read the transcript, but the time allowed to your
4 team to make observations on this E319/7 is expired. Please be
5 seated.

6 And now, the Lead Co-Lawyer for civil parties, if you have any
7 oral submission to make regarding the request by OCP in reference
8 to document E319/7, you may proceed.

9 MS. GUIRAUD:

10 Thank you, Mr. President. We <do not> object <to> having this
11 witness proposed by the Co-Prosecutors appear.

12 MR. PRESIDENT:

13 Thank you. The Chamber will adjourn the proceedings now and will
14 resume tomorrow morning -- that is, Thursday, 12 March 2015,
15 commencing from 9 o'clock in the morning. And tomorrow, the
16 Chamber will hear the remainder of the testimony of the witness
17 Neang Ouch. This information is for the relevant Parties and for
18 the public.

19 Mr. Neang Ouch, the Chamber is grateful of your presence and
20 testimony. However, it is not yet concluded and you are therefore
21 invited to return to the Chamber tomorrow morning, starting from
22 9 o'clock. And It is likely that your testimony will conclude in
23 less than two hours tomorrow and you may then return to your
24 residence.

25 [16.09.12]

1 Court officer, in cooperation with WESU, please make necessary
2 transportation arrangements for Neang Ouch and the reserved
3 witness -- that is, 2-TCW-948, to return to their residence, and
4 invite them both to the Chamber before 9 o'clock.

5 Likewise, duty counsel, Moeurn Sovann, you are invited to return
6 tomorrow morning to assist the witness during the hearing of the
7 remainder of this witness testimony, as well as the testimony of
8 the reserved witness.

9 Security personnel, you are instructed to take the two Accused,
10 Nuon Chea and Khieu Samphan, back to the detention facility of
11 the ECCC and have them returned to participate in the proceedings
12 tomorrow morning prior to 9 o'clock.

13 The Court is now adjourned.

14 (Court adjourns at 1610H)

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