



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**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

28 August 2012

Trial Day 103

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

The Accused: NUON Chea  
IENG Sary  
KHIEU Samphan

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MR. EM OEUN (TCCP-28)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. DE WILDE D'ESTMAEL	French
MR. EM OEUN (TCCP-28)	Khmer
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KIM MENGKHY	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues hearing the testimony of the civil  
6 party, Mr. Em Oeun. Questions continue to be put by counsels for  
7 the accused persons, and counsel for Nuon Chea will proceed with  
8 their questions.

9 [09.03.53]

10 However, before we hand over the floor to counsels for the civil  
11 party, the Chamber wishes to inform parties to the proceedings  
12 that during this week hearing, commencing from Tuesday the 28th  
13 of August 2012, Judge Silvia Cartwright has her personal  
14 commitment that she is not able to attend the whole proceedings.  
15 Having discussed with fellow Judges of the Trial Chamber, Judge  
16 Claudia Fenz is now taking over from Judge Silvia Cartwright when  
17 she is absent. When Judge Silvia Cartwright is back then she will  
18 be sitting again, and we have followed Internal Rule 79.4 of the  
19 -- concerning this replacement.

20 Se Kolvuthy, could you please report to the Chamber on the  
21 current status -- presence of the parties to the proceedings?

22 THE GREFFIER:

23 Good morning, Mr. President. All parties to the proceedings are  
24 present, except Mr. Ieng Sary who is present but in his holding  
25 cell. Mr. Ieng Sary has waived his right to participate directly

2

1 in the courtroom through his counsel for the entire day today.

2 His waiver has already been submitted to the Chamber.

3 [09.05.47]

4 The next witness to give testimony is TCW 480. The witness is in  
5 the waiting room awaiting call. The witness has already indicated  
6 that according to the witness's best knowledge the witness has no  
7 connection or relationship affiliated with any of the parties to  
8 the proceedings or the civil parties who have been admitted  
9 before this Chamber. The witness has already taken an oath.

10 Thank you, Mr. President.

11 MR. PRESIDENT:

12 Thank you.

13 We now rule on the request by Mr. Ieng Sary dated the 28th of  
14 August 2012, the request submitted through his counsels in that  
15 he has asked that he be allowed to observe the proceedings from  
16 his holding cell for the entire day.

17 [09.06.57]

18 Dr. Kem Samsan<V>, who has examined Mr. Ieng Sary, indicates that  
19 Mr. Ieng Sary is fatigued when he moves and he can't speak for a  
20 long period of time, and when sitting his both legs become  
21 swollen and he has also lower back pain. For that, the doctor  
22 recommends that he be allowed to observe the proceedings from his  
23 holding cell.

24 And the Chamber therefore grants such a request and at the same  
25 time the Chamber notes that Mr. Ieng Sary is mentally able to

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1 observe the proceedings from his holding cell. By doing so, we --  
2 the Chamber notes that Mr. Ieng Sary can still communicate with  
3 his counsel through audio link. Mr. Ieng Sary is now allowed to  
4 observe the proceedings from his holding cell, which is  
5 downstairs, through the video link for the whole day.

6 AV booth officials are now instructed to ensure that the AV audio  
7 equipment is well connected to the holding cell so that Mr. Ieng  
8 Sary can observe the proceedings from there.

9 Without further ado, we would like now to hand over to counsel  
10 for Mr. Nuon Chea to proceed with their questions to Mr. Em Oeun.  
11 You may now proceed.

12 [09.08.43]

13 QUESTIONING BY MR. PAUW RESUMES:

14 Thank you, Mr. President. Good morning to everyone. Welcome to  
15 Judge Fenz, specifically, and good morning to you, Mr. Em Oeun. I  
16 will proceed where I left off yesterday, and again, I will try to  
17 speak slowly and I will try to ask simple questions.

18 Q. And my first question, Mr. Em Oeun, relates to the political  
19 meeting in Borei Keila that you attended. In which year was this  
20 meeting that you attended?

21 MR. EM OEUN:

22 A. I did not attend the training or study session at Borei Keila,  
23 and I don't remember the exact date, but I believe that it was  
24 conducted in July.

25 [09.10.12]

4

1 Q. Just to clarify your answer because I think the translation  
2 may have been off. You did testify that you attended a political  
3 training session in Borei Keila; is that correct?

4 A. Yes, I did.

5 Q. And you just testified that this training session was in July.  
6 In which year did this training session take place?

7 A. It was either late 1977; I believe it was in late 1977.

8 Q. Just to get the timeline right. When did you come to Phnom  
9 Penh to be at the hospital?

10 A. I came to the Soviet hospital in June 1975.

11 Q. And how long had you been at the hospital when you attended  
12 the political training session in Borei Keila?

13 MR. PRESIDENT:

14 Civil Party, could you please hold on?

15 National Co Lead Lawyer for the civil parties, you are on your  
16 feet, you may proceed.

17 [09.12.34]

18 MR. PICH ANG:

19 Good morning, Mr. President. I still recall that when I put  
20 questions to Mr. Em Oeun last week, I already asked him to  
21 confirm the date, in particular, the time when he arrived the  
22 hospital and when he also attended the study session at Borei  
23 Keila. So these questions were already put and responded, Mr.  
24 President.

25 MR. PRESIDENT:

5

1 Mr. Civil Party, you may now respond to the question by the  
2 counsel for Mr. Nuon Chea as the Chamber wishes to know the date  
3 -- the relevant dates relevant to the facts, because his  
4 knowledge -- your knowledge of the dates is very important to  
5 help us understand the truth.

6 [09.13.47]

7 MR. EM OEUN:

8 A. As I already stated, I already stated about the dates before,  
9 as the Lead Co Lawyer for the civil parties indicated.

10 BY MR. PAUW:

11 Q. I'll ask the question again because it's not clear from your  
12 answers.

13 How long after you arrived in Phnom Penh at the hospital did you  
14 -- how long did it -- excuse me, I will rephrase the question to  
15 make it very simple. How long after you arrived in Phnom Penh to  
16 be at the hospital, how long after that date did the political  
17 training session at Borei Keila take place?

18 MR. EM OEUN:

19 A. Correct me if I am wrong, if I cannot recall it, but I think  
20 it was about two months before I attended that political session.

21 Q. Then maybe something is lost in translation again. You arrived  
22 in Phnom Penh in June 1975; this is what you just stated. How  
23 long after June 1975 did you go to Borei Keila to attend a  
24 political training session? Was it several months after June  
25 1975? Was it a year after June 1975? Was it several years after



1 June 1975?

2 [09.16.12]

3 A. Counsel, I believe that I cannot grasp your question. Could  
4 you please put it again?

5 Q. How long had you been working at the Khmer-Soviet Friendship  
6 Hospital before you attended the political training session at  
7 Borei Keila?

8 A. I already stated that it was two months after that before I  
9 attended the political study session. It was in late June that I  
10 entered Phnom Penh, and then after that it was two months after  
11 my arrival in Phnom Penh that I attended that study session.

12 Q. Then, if it was two months after you arrived in Phnom Penh --  
13 and you arrived in Phnom Penh in June 1975, is it correct to  
14 state that according to your recollection you attended that  
15 training session around August or September 1975?

16 A. (Microphone not activated)

17 [09.18.04]

18 MR. PRESIDENT:

19 International Co Prosecutor, you may now proceed.

20 MR. D'ESTMAEL:

21 Thank you, Mr. President. I have an objection to the last  
22 question that was just asked.

23 Now, previously, the civil party provided an answer regarding his  
24 involvement in his first meeting at Borei Keila. He said that he  
25 had attended at the end of June or early July 1977, and I believe

7

1 that he has been entirely honest. It should be recalled of the  
2 date the civil party has provided to us, and any clarification  
3 sought, if there is contradiction, but I believe that counsel  
4 perhaps has not paid attention to all of the pieces of  
5 information that have been provided by the civil party. Thank  
6 you.

7 MR. PAUW:

8 I have trouble understanding this objection by the Prosecutor.  
9 Whether or not the civil party has been accurate and truthful in  
10 his earlier statements and in the information he has provided to  
11 the Chamber, that is what we are here to establish. Obviously, it  
12 is a crucial issue as to whether or not he can accurately  
13 remember dates and whether or not he can accurately remember  
14 things that have been said or that have not been said.

15 [09.19.44]

16 A first glance at the applications of this civil party shows us  
17 that there is confusion as to several important dates. I will get  
18 to this later. With regard to this particular date, already this  
19 morning I have heard three different dates. I have heard July  
20 1977 as to when he attended the political training sessions at  
21 Borei Keila. I've heard late 1977 as to when he attended training  
22 sessions at Borei Keila, and I've just now heard two months after  
23 he started his hospital training in July -- in June 1975, which  
24 would place it squarely in 1975.

25 So, I think this crucial issue needs to be addressed; it needs to

1 be fleshed out. In fact, that is one of the main purposes of the  
2 questioning, so with your permission, Mr. President, I would like  
3 to have this issue clarified.

4 [09.20.55]

5 MR. PRESIDENT:

6 The objection is not sustained. The Chamber now allows counsel  
7 for the Accused to seek clarification on dates from the civil  
8 party when he worked at the Khmer-Soviet Hospital and his time  
9 when he attended the political training session at Borei Keila.  
10 Civil Party is now asked to respond precisely to the questions  
11 concerning the dates.

12 MR. EM OEUN:

13 A. Mr. President, according to my calculation, it is obviously  
14 true that it was in 1976. Yesterday, I did say perhaps it was in  
15 late 1976 or early 1977 -- that was my statement. I do not know  
16 how my statement was recorded by counsel, but I will have to  
17 stand by the 1976 as the date I attended that study session and  
18 that's the exact date I recollect.

19 MR. PRESIDENT:

20 Civil Party, could you please again be more precise? Because it  
21 appears to us that it was in June 1976 or it's just June and you  
22 don't remember the exact date, because we already see that there  
23 is some kind of misunderstanding or level of uncertainty  
24 concerning the dates when people attended the political training  
25 session at Borei Keila, so please confirm the exact year again.

1 [09.23.29]

2 If possible, you should not say the Khmer way of say -- calling  
3 the month, because when you say the sixth month of the year, in  
4 Khmer, it is difficult to be understood because it could have  
5 been mistaken for like the year like 1976. So just say precisely.  
6 If it is the sixth month then you say June, rather.

7 MR. EM OEUN:

8 A. Thank you, Mr. President. I remember to be the sixth or  
9 seventh month of the year, and I am sorry if I am not precisely  
10 clear concerning the date or the exact month in Khmer -- for  
11 example, June or July -- I don't know that in Khmer. I know that  
12 it was the sixth or seventh month of the year.

13 [09.24.30]

14 MR. PRESIDENT:

15 We understand that you have trouble saying the month in Khmer,  
16 but can you be more precise, again? For example, when you entered  
17 Khmer Soviet Hospital, in which month of which year, for example,  
18 the sixth - rather, in June 1975? Then you attended a political  
19 training session in Borei Keila. So, when exactly was the  
20 training conducted when you attended?

21 The Chamber needs to know these logic sequences of the dates, and  
22 please be more precise, otherwise, we would have to commit so  
23 much of our time dwelling on this time and again.

24 MR. EM OEUN:

25 A. Thank you, Mr. President. I will have to choose to attend the

10

1 political training session on the – on June 1976, or please allow  
2 me some more time to recollect this. I will have to say that it  
3 was in July 1976.

4 [09.26.16]

5 BY MR. PAUW:

6 Q. Mr. Witness, I understand it may be hard to recollect these  
7 dates, but one thing that might assist you in getting the date  
8 accurate is the method that you just applied, and that was the  
9 following. You stated that you attended the political meeting at  
10 Borei Keila around two months after you started your work at the  
11 Khmer-Soviet Friendship Hospital. Is that still now your  
12 recollection that you attended that training two months after you  
13 started to work at the Khmer-Soviet Friendship Hospital?

14 MR. EM OEUN:

15 A. I have already stated before.

16 Q. Perhaps there's -- this is difficult to understand in English,  
17 but does this mean that you confirm that you attended these  
18 training sessions around two months after you started your work  
19 at the Khmer-Soviet Friendship Hospital?

20 A. I have to tell you that, at the beginning, I was not precise  
21 on the dates and I did note that I would face this consequence.  
22 And forgive me if I am not very consistent in the date because it  
23 was a long time ago, but I still stand by the position that the  
24 political training session was conducted two month -- about two  
25 month after I went to that school -- that hospital.

1 Q. Thank you, Mr. Em Oeun.

2 [09.28.59]

3 Yesterday, we spoke a little bit about Mr. Sar Sarin and you  
4 informed the Chamber that Mr. Sar Sarin had told you about the  
5 proceedings at the ECCC. And before we broke for the recess, you  
6 told us that Mr. Sar Sarin had told you about a political  
7 training session at Borei Keila that he had attended. Can you  
8 tell the Chamber what Mr. Sar Sarin told you about the political  
9 training session that he attended in Borei Keila?

10 A. I was told by Mr. Sar Sarin concerning how to apply -- how to  
11 submit the application, but he didn't tell me in details when he  
12 attended that training session also. I don't know about this.

13 [09.30.32]

14 Q. What did Mr. Sar Sarin tell you about the training session  
15 that he attended?

16 A. He didn't say anything about the training to me. He only  
17 stated that he attended that session; that's all.

18 Q. And which session did Mr. Sar Sarin attend?

19 A. He only told me that he had attended the political training  
20 session. And he had also told me that that particular training  
21 session lasted for six days. That was what he had told me.

22 Q. And did Mr. Sar Sarin tell you about the speakers at that  
23 training session?

24 A. No, he did not.

25 Q. And did he tell you when the training session that he attended

12

1 was held?

2 A. I did not ask him about that either. I only learned that he  
3 had attended a political training session held at Borei Keila;  
4 that was it.

5 [09.32.48]

6 Q. And how did you find out that Mr. Sar Sarin had attended a  
7 political training session at Borei Keila? Did, for example, he  
8 speak -- start to speak about this by himself? Did you ask him  
9 about it?

10 A. To my recollection, I actually told him that I was attending  
11 the political training session and the medical training at the  
12 hospital, and then he, later also, told me that he had also  
13 attended this particular political training session.

14 Let me add to this answer. You asked me about the date when he  
15 told me or attended the training sessions and I do not recollect.  
16 I do not know.

17 Q. Is it possible that you attended the same training session?

18 MR. PRESIDENT:

19 Witness, please hold on.

20 The Prosecution, you may proceed.

21 [09.34.31]

22 MR. DE WILDE D'ESTMAEL:

23 Thank you, Mr. President. Yesterday evening, the last question  
24 that was put to the civil party was to know if he had  
25 participated in the same political training session in Borei

13

1 Keila with Mr. Sar Sarin, and then he quite clearly said he was  
2 in a different session.

3 He's been given the same question, just now, which is, therefore,  
4 repetitive. Thank you.

5 MR. PAUW:

6 There is, Mr. President, confusion as to the dates. The witness  
7 does not know what the date was for Mr. Sar Sarin's training  
8 session. He has - clearly, has been moving back and forth as to  
9 the dates that he has attended this training session.

10 I think it's important to get this answer straight whether or not  
11 it's possible that Mr. Sar Sarin and Mr. Em Oeun attended the  
12 same training session.

13 MR. PRESIDENT:

14 The objection and the grounds for objection is sustained. Witness  
15 needs not answer to this question. The question is repetitive  
16 and, in addition, the question also elicits some kinds of  
17 speculation and assumption from the witness - from the civil  
18 party.

19 [09.36.00]

20 BY MR PAUW:

21 Q. Mr. Em Oeun, did Sar Sarin tell you that during his political  
22 training session at Borei Keila, the names of traitors such as  
23 Koy Thuon were mentioned?

24 MR. EM OEUN:

25 A. I think that the question is, again, repetitive and I would



14

1 like to refrain from answer -- answering this question.

2 MR. PRESIDENT:

3 Witness, you are instructed to respond to the question put to  
4 you. It is the discretion of the Chamber, through the President,  
5 to decide whether or not you should respond to the questions or  
6 not, so you are supposed to respond to the question.

7 [09.37.06]

8 I have already advised you that you should pay attentive  
9 attention to the question put to you and you should limit your  
10 answer to the question asked. Try to avoid deviating from the  
11 questions being asked; otherwise, you will have mounting pressure  
12 because there will be more questions put to you. There will be  
13 tens of -- dozens of other questions, so you should try to  
14 respond to the question as clearly as possible.

15 Here, we are in the examination process, so we have to follow the  
16 due process of the hearing. If you do not know the answer to the  
17 question then you simply say so and if you do not know the  
18 answer, you should not, by any means, speculate in your answer.

19 MR. EM OEUN:

20 Thank you, Mr. President. The reason for not responding to this  
21 question, as I said earlier, it was the affairs of other people I  
22 did not know. I did not -- I did not know whether or not Sar  
23 Sarin had anything to do with the training course, but he did  
24 tell me that he attended the training course and I did not know  
25 when he attended the training course.

15

1 [09.38.50]

2 BY MR. PAUW:

3 Q. And my question to you was: Did he tell you, when you were  
4 discussing the training course, that in the political session  
5 that he attended, the names of traitors such as Koy Thuon were  
6 mentioned? If you don't remember, that is fine.

7 MR. EM OEUN:

8 A. I say I do not know in my earlier statement because I do not  
9 recollect. It could have been mentioned somewhere, but I just do  
10 not recollect.

11 Q. I look at the clock and I move on to my next topic. Perhaps my  
12 colleagues will get back to this point, but I have further  
13 questions.

14 [09.39.54]

15 And, Mr. Em Oeun, my further questions relate to your  
16 interactions with DC-Cam. Is it correct that you wrote your  
17 second Victim Information Form at DC-Cam here in Phnom Penh?

18 A. Yesterday, I told the Court that I wrote this Victim  
19 Information Form in -- by my own handwriting and I also asked the  
20 staff members of the DC-Cam to assist it -- to assist me in  
21 filling the forms because I find the forms a bit complicated  
22 myself, so I asked them for their assistance.

23 Q. And just to be clear, did they provide this assistance at the  
24 offices of DC-Cam here in Phnom Penh or was it somewhere else?

25 A. Yes, the assistance was provided at the Documentation Center

1 of Cambodia in Phnom Penh.

2 Q. And was there one representative of DC-Cam present during that  
3 assistance or were there more?

4 A. I do not actually know who was who over there because I did  
5 not know the staff members of DC-Cam. There were people walking  
6 back and forth in that place and I did not know whether or not  
7 they were staff members of the DC-Cam.

8 [09.42.31]

9 Q. Can you give us an estimate as to how long you were at DC-Cam  
10 the day that you filed your Victim Information Form? Was it an  
11 hour? Was it two hours? Was it four hours?

12 A. On that point, I stayed there for a short period of time. I  
13 was a motor-taxi rider. I had to earn a living every day and I  
14 asked them to assist me in filling in the form and I was there to  
15 affix my thumbprint. I met them one hour or one hour and a half  
16 or so and they tried to assist me in accordance to what I have  
17 handwritten myself. I wrote it at -- at my house, myself, and  
18 then they just copy into the form.

19 [09.43.38]

20 Q. And just to get the picture clear, you stated that there were  
21 several people walking in and out, but was there one person that  
22 was your contact person at DC-Cam with whom you spoke?

23 A. I only contacted the person whom I asked for assistance. I did  
24 not contact any other staff member at the DC-Cam.

25 Q. And the person that provided you with assistance, did this

17

1 person show you any photographs of, for example, the senior  
2 leaders of Democratic Kampuchea?

3 A. No, he did not.

4 Q. You stated that he provided assistance. Can you tell us a  
5 little bit more about what sort of assistance this person  
6 provided?

7 A. The assistance they -- he provided was to copy the answer on  
8 my statement from my handwritten note on to the written form.

9 Q. And just so I get this straight -- and it's just to clarify --  
10 does that mean that the handwriting in your DC-Cam application is  
11 not yours, but of a member of DC-Cam?

12 [09.45.50]

13 I can provide the witness with a copy of the DC-Cam application  
14 which might -- might make it easier to answer this question, Mr.  
15 President. I would suggest that I provide the witness with  
16 documents D22/3963, with English ERN 00751861 until 007 --  
17 00751874 and--

18 MR. PRESIDENT:

19 Mr. Jasper Pauw, could you please repeat the ERN number? Because  
20 the translation did not get through, so that it is clear for the  
21 record.

22 MR. PAUW:

23 Certainly, it is document number D22/3963. English ERN is  
24 00751861 and Khmer ERN is 00573967. We discussed this document  
25 earlier when the Prosecution and the civil parties were asking

1 questions. I have a hard copy for the witness if that makes it  
2 easier.

3 MR. PRESIDENT:

4 You may proceed.

5 [09.47.21]

6 Court officer is instructed to look at the document placed before  
7 the witness, if he has that document before him; otherwise, you  
8 can obtain the hard-copy document from counsel and present it to  
9 him. And please indicate the portion with which the counsel is  
10 referring.

11 BY MR. PAUW:

12 Just to clarify, Mr. Em Oeun -- and perhaps the court officer can  
13 be of assistance -- if we look at ERN number 00573974; that's  
14 where handwriting starts.

15 And the question is simply: Is that your handwriting or the  
16 handwriting of someone at DC-Cam?

17 MR. EM OEUN:

18 A. This handwriting belonged to me. Actually, it was my  
19 handwriting, but for the English writing, I do not speak or write  
20 English, so it was not -- it does not belong to me. It was  
21 written by others. But, once again, whatever they copy in this  
22 form, I confirm that statement because I also affixed my  
23 thumbprint over there. And in my personal handwriting, there  
24 could have been errors or mistakes or so because I did not -- I  
25 was not very well literate and, in addition, I was quite busy

1 making a living on a daily basis.

2 [09.49.49]

3 Q. And in that same Victim Information Form, on page 00573987 --

4 and perhaps the court officer could assist the civil party --

5 there is another handwritten portion and that seems to be in a--

6 Well, let me ask the question in an open way: Is that also your

7 handwriting Mr. Em Oeun or is that someone else's?

8 A. Could you please repeat your question because I don't really

9 catch your question?

10 Q. The page number that you're looking at, 00573987, there is

11 another handwritten portion and there's an addendum to the Victim

12 Information Form that was provided later. And I would like you to

13 tell us whether or not that is your handwriting or someone

14 else's.

15 A. If you look at the handwriting style, they are different, so

16 this -- this additional portion does not belong to me. It was not

17 my handwriting, but I asked people to assist me in filling in

18 this part of the form. Thank you.

19 [09.52.02]

20 Q. And your original DC-Cam Victim Information Form is dated the

21 29th of January 2010. This addendum that we just looked at in

22 different handwriting is dated the 23rd of March -- the 23rd of

23 March 2010, so about two months later. Could you tell the Chamber

24 why you provided this additional information around two months

25 later?

1 A. I have already told the Court already that when I -- when I  
2 asked him for assistance, I was not with him. I simply asked him  
3 to copy the corresponding statements from my handwriting on to  
4 the form and the reason for the delay after -- two months after I  
5 submitted the first form was because I was residing in the  
6 countryside. It would take some time, normally, to do this job.  
7 Once again, the copy of my statement to this form might contain  
8 certain errors or so. I cannot totally guaranty the veracity of  
9 this because I could not read everything over there, but I do not  
10 deny the fact that I asked him for assistance. I recognize his  
11 assistance and I also affixed my thumbprint to reaffirm my  
12 statement there.

13 [09.54.08]

14 Q. Mr. Em Oeun, I'm not sure I understand correctly. So, just to  
15 get it clear, I will provide you with a little timeline. On --  
16 and that might clarify matters for you.

17 On the 25th -- on the 25th of January 2010, you provided a Victim  
18 Information Form and you have stated that that was written by  
19 you. Four days later, on the 29th of January 2010, you went to  
20 DC-Cam and provided a lengthy statement and today you testified  
21 that was in your own handwriting. Then there's a time period of  
22 two months -- excuse me, a gap of two months until you provide an  
23 addendum or, as it's called, supplementary information. That is  
24 dated the 23rd of March 2010.

25 [09.55.32]

21

1 And my question to you is: Why did you provide that supplementary  
2 information two months later? Did, for example, anyone ask you to  
3 provide that supplementary information or was it your own idea?

4 A. I stated earlier that I had a very short time to fill in the  
5 first form and upon considering what I had written in that form,  
6 I wanted to add additional information to that form and I -- as I  
7 said, we -- I asked the person at the DC-Cam to assist in adding  
8 that information and, again, I could only ask for their  
9 assistance over there. I could not ask anybody else for help.

10 Q. And did the person at DC-Cam speak about Borei Keila with you  
11 -- the political training sessions at Borei Keila, to be more  
12 precise?

13 A. No. Actually, the person who assisted me at the DC-Cam did not  
14 even know that there was a training -- political training centre  
15 or session at Borei Keila.

16 Q. And just to get the picture clear, when you submitted -- no,  
17 when you arrived at DC-Cam, did you bring the Victim Information  
18 Form to DC-Cam, the first one that you had written on the 25th of  
19 January?

20 [09.58.00]

21 A. Could you please repeat your question? I don't get it.

22 Q. When you went to DC-Cam on the 29th of January 2010, did you  
23 bring along the form that you had prepared on the 25th of  
24 January, which is the first Victim Information Form?

25 A. I would like to add to it a little bit. I, at that time, asked



1 the ideas from the Documentation Centers of Cambodia and they  
2 told us that if I was the victim of the regimes then I could get  
3 the Victim Information Form from the DC-Cam. But I did not copy  
4 what other people said in other forms, because I did not bother  
5 to know what other people had said about their suffering. I only  
6 write in response to the points concerning my personal suffering  
7 from the regime.

8 [09.59.34]

9 Q. And speaking about other people in your DC-Cam Victim  
10 Information Form, you speak about two other people Khieu Saron  
11 and Khieu Samngat. Could you tell the Chamber who these people  
12 are and why you listed them as possible witnesses?

13 A. I never met Khieu Samngat, but I have met Khieu Saron. So, to  
14 be clear, I have never known another person mentioned by you in  
15 the least.

16 Q. And, Khieu Saron, who is he? And what relevant information  
17 might he have with regard to the crimes that you witnessed?

18 A. I think it will take a long time to elaborate.

19 [10.01.08]

20 Khieu Saron was a member of the Sector 20, he was my cousin and  
21 he could talk to people about my father. Mr. Saron is alive and  
22 he can also be asked some questions, should you wish.

23 Q. And I might get back to this point later, but in the interest  
24 of time I will move on for now.

25 Do you remember when you fled into the forest? Do you remember

1 the year?

2 A. Could you please be more precise to which period you're  
3 referring to? Because I fled into the jungle on several  
4 occasions, but in which period you are now referring to, please?

5 Q. Can you then give us an overview of the times that you fled  
6 into the jungle in the periods of the DK Regime?

7 [10.02.59]

8 A. I fled to the jungle in 1978, running from Sector 20. The  
9 reason I had to flee, because I noted that my life was a living  
10 hell with the CPK. So I, with my wife, fled into a jungle. At  
11 that time there was no counter Khmer Rouge movement yet. So my  
12 spouse and I had to live my life in the -- our life in the  
13 jungle, feeding ourselves on the leaves and other by-products  
14 from the market. Later on we were joined by other people who fled  
15 and then went to the jungle.

16 Q. You state that you fled into the jungle in 1978. Can you be  
17 more precise as to in which month of 1978 this was?

18 [10.04.37]

19 A. I'm afraid I do not recollect the exact date.

20 Q. And can you explain to the Chamber why you are certain that it  
21 was 1978?

22 A. It is obviously true that it was in 1978, though I could not  
23 recollect the exact month. We were on the run when it was a rainy  
24 season. We had to wade through the floods and forests. So that  
25 could recollect me of the season, it was a rainy season. So

1 again, I could not remember exactly the month, although, I still  
2 recollect that it was a rainy season because it was flooded and  
3 we had to run through the water.

4 Q. In your DC-Cam statements or your Victim Information Form that  
5 you submitted to DC-Cam, you stated that -- and I quote: "I fled  
6 from the Sector 20 hospital located in Chour village, Kranhung  
7 sub-district, Kamchay Mear district, Prey Veng province in  
8 1977."<V>

9 I will show you the page number in the hard copy, if the court  
10 officer can assist. It is Khmer ERN 00573981, and it's on English  
11 ERN 00751868, and I'll give you some time to look at the section.

12 [10.07.01]

13 A. I already confirmed that I did not talk about this because I  
14 would like to please everyone. But the exact date was during the  
15 rainy season. I had to run through the mud and the flood. I had  
16 to do my -- our best -- we had to do our best to escape from the  
17 hardship. But again, I am sorry if I can't recollect the exact  
18 date. To us, we did not care so much about the exact date. We  
19 only focused on how to survive -- how to run away from all the  
20 troubles and found a place that we could take refuge. But I did  
21 not remember the date again.

22 Q. Mr. Em Oeun, I fully understand that it's hard to recollect  
23 the dates. Unfortunately, for us in this courtroom, it is  
24 important.

25 [10.08.58]

1 Is it fair to say, Mr. Em Oeun, that you do not recall exactly  
2 whether you fled into the forest in 1977 or 1978?

3 A. I even stated in my writing that it was in 7 of August. So the  
4 story in my writing is not consistent because I perhaps have made  
5 mistakes myself when writing it and I, at that time, could not  
6 have very well collected the event. Although the truth is there  
7 -- I mean, the event, the elements of the event are there, and I  
8 apologize for not being precise on the dates or if the dates are  
9 not consistent.

10 Q. Thank you, Mr. Em Oeun.

11 [10.10.15]

12 Also, in this same document that you submitted to DC-Cam, you  
13 state -- and I quote: "In 1975, I was assigned to work as a medic  
14 to treat people although I had no medical background."<V> End of  
15 quote.

16 This can be found on page number 00573976, and the English ERN is  
17 00751867. I'll let the court assistant -- court officer assist  
18 you with this. And I just wanted to give you chance to comment on  
19 that sentence because last week in Court you testified  
20 extensively about the medical training that you had been  
21 receiving even since early childhood.

22 So my question is: Is it true, what you wrote in your DC-Cam  
23 statement, that you had no medical background? Or is it true,  
24 what you testified in this Court -- and that is that, in fact,  
25 you had been receiving some form or medical training since you

1 were young?

2 [10.12.09]

3 A. Before continuing, I would like to also clarify that the  
4 reason I stated that I became the medic although I had no medical  
5 background, it is true because I learned on the job. I was never  
6 formally or properly trained on medical skill. So I acquired the  
7 skills informally, never recognized by the State. That's why I  
8 indicated in the statement that I became the medic with no  
9 medical background.

10 Q. Okay. That is clear.

11 Yesterday, you testified on the issue of trucks that came to take  
12 people away at the hospital, and I want to quote from the  
13 transcript. It is on page 19 and 20 of the English transcripts. I  
14 do not have the Khmer transcript yet, as it just came in, but I  
15 can provide that during the break. I quote -- you were asked  
16 yesterday -- I quote:

17 "Can you expand a little bit further on this issue? I would like  
18 to know whether or not there were trucks sent by the Ministry of  
19 Foreign -- Ministry of Social Affairs or Ministry of Health, or  
20 the trucks belonged to the hospital itself. Did you ever see that  
21 those trucks take those who were arrested away from the hospital  
22 premise?"<V> This was the question by the prosecutor.

23 [10.14.24]

24 And your answer was, Mr. Em Oeun:

25 "Actually, I never saw it by my own eyes, of the trucks taking

1 away the people who were arrested. And normally, you know, the  
2 ambulance of the hospital is -- was always closed -- we could not  
3 see anything inside -- and I did not see other trucks outside the  
4 hospital premise either."<V> End of quote.

5 So yesterday you testified in Court that you never saw it by your  
6 own eyes, the trucks taking away the people who were arrested. Do  
7 you today stand by that statement, that you never saw that with  
8 your own eyes, the trucks taking away the people who were  
9 arrested?

10 [10.15.14]

11 A. I wish to stand by the statement I already gave which is true.  
12 However, I also wish to state that I did not see the people  
13 carried away in the ambulance because the ambulance was covered  
14 over -- with insulated. But I saw people who were taken away by  
15 the military truck.

16 Q. Sorry. I did not understand your last answer. You said you did  
17 not see the people being taken away by ambulance but you did see  
18 them being taken away by military truck?

19 A. Yes, as I indicated I did not see the ambulance taking people  
20 from the hospital, but I did see people being taken by military  
21 truck from the hospital.

22 [10.16.56]

23 Q. There might be an issue of translation in the transcript and I  
24 will clarify this during the break. As yesterday, according to  
25 the English transcript you stated: "Actually, I never saw it by

1 my own eyes, of the trucks taking away the people who were  
2 arrested."

3 So, again, I will look at the -- or I'll look with the Cambodian  
4 co-counsel, at the transcript of yesterday's hearing to further  
5 clarify this issue. So I may need to come back to this particular  
6 topic.

7 [10.17.43]

8 Yesterday, you spoke about Mr. Thiounn Thioeunn. Can you tell the  
9 Court what his role was in your training--

10 There was a glitch.

11 Mr. Thiounn Thioeunn, what was his role in your education?

12 A. Mr. Thiounn Thioeunn was the head of the technical unit of the  
13 hospital.

14 Q. And what sort of education did he provide you with?

15 A. So far as I remember, Mr. Thiounn Thioeunn did not use  
16 politics in his training. He liked taking trainees directly to  
17 see the patients. So he taught us on the job rather than basing  
18 his teaching on theory. So he never provided us with trainings in  
19 normal training sessions with documents. Normally, he took us to  
20 see the patients and how patients were being treated, and we were  
21 asked to learn on the job.

22 [10.20.11]

23 Q. And just to elaborate a bit more on this, yesterday you  
24 testified that he taught you about the scientific medical  
25 matters. Could you tell us a little bit about which scientific

1 medical matters Mr. Thiounn Thioeunn educated you on?

2 A. I don't think I understand your question. I stated that Mr.

3 Thiounn Thioeunn did not teach theory. He was a leader; he was

4 not seen in the training sessions himself. He only led us to see

5 the patients and taught us practically on the job. For example,

6 people who had malaria, people who had liver problems, people who

7 got their legs fallen, so on and so forth. So these patients

8 would be inspected and trainees would also be asked to see what

9 he would teach from seeing, treating these patients on the spot.

10 [10.21.49]

11 Q. Thank you, Mr. Em Oeun. Just to be clear, I did not ask you

12 about any political training that Mr. Thiounn Thioeunn might have

13 conducted. I was indeed asking you about the medical training

14 that Mr. Thiounn Thioeunn provided you with. And you also

15 yesterday spoke about Korean and Chinese individuals that

16 assisted in the medical procedures. Could you tell us a little

17 bit more about what these Korean and Chinese individuals did in

18 that time at the Khmer-Soviet Friendship Hospital?

19 A. Koreans and Chinese normally taught us theory. At that time, I

20 did not know whether their messages were well interpreted during

21 the training sessions, but they were engaged in the scientific

22 sessions and the sessions that would be chaired by these Koreans

23 and the Chinese.

24 [10.23.21]

25 Q. But do you remember what sort of topics they educated on?



1 A. I do not know how to elaborate on this because when it comes  
2 to medical skill, it is very comprehensive and technical, and  
3 indeed when people taught us on the medical skills then they  
4 would be teaching us on how to treat the patients, how to inject  
5 some form of injection, and how to prescribe medicines to  
6 trainees. I am sorry that I have nothing left, for example the  
7 documents were all destroyed, or burned, or torn apart, and we  
8 had -- and I had to be on the run on several occasions that I  
9 could never keep the documents with me to prove this. However,  
10 the Chinese people like using the, what we call needles, as part  
11 of the acupuncture treating techniques. When the Chinese experts  
12 would be teaching us on how to conduct or perform a surgery on a  
13 patient like that.

14 [10.25.06]

15 Q. And yesterday you also stated that Ny, who was one of your  
16 trainers, was good at training T.B., was good at training people  
17 on T.B.. Do you remember if Mr. Thiounn Thioeunn was particularly  
18 skilled in teaching a certain topic?

19 A. I did not check Mr. Thiounn Thioeunn's background. But he was  
20 educated in France. He was -- or he specialized in heart surgery.  
21 In 1972 he conducted a heart transplant performance. So he was  
22 good at heart operations and he could even -- said at one point  
23 that whatever he mentioned about heart related problems, then he  
24 was very precise and specific and he was skilful as well, because  
25 he claimed that he had been trained in France on heart related

1 illness.

2 Q. So Mr. Thiounn Thioeunn was a French educated heart surgeon,  
3 and he was one of the individuals that was training you at the  
4 Khmer-Soviet Friendship Hospital; is that a fair summary of your  
5 statement?

6 A. Yes, it is correct. However, I would like to also confirm on  
7 the person by the name Ny. Ny specialized in lung related  
8 disease, he specialized in treating T.B. and he was of a senior  
9 age back then, and he was also a trainer and he specialized in  
10 lung related disease.

11 Q. And do you remember, or do you know where Mr. Ny was educated?

12 A. I am afraid that I have never asked him about this, so it  
13 doesn't mean I reject answering your question, but I just don't  
14 know.

15 Q. I will move on to the next topic. It is about the political --  
16 political training session at Borei Keila that you said you  
17 attended, and in the first Victim Information Form that you  
18 provided, you speak about Khieu Samphan.

19 [10.29.10]

20 And Khieu Samphan, according to you spoke about women that  
21 destroyed needles. And the English reference for that is  
22 00777625, and the Khmer reference for that is 00508424. In your  
23 statement last week, you spoke again about Khieu Samphan that  
24 spoke about women that broke needles. That can be found on page  
25 83 of the transcript of last week Thursday. So you have twice

1 stated that Mr. Khieu Samphan spoke about women that broke  
2 needles and how they should be dealt with.

3 To your recollection, did you hear any of the other senior  
4 leaders speak about this issue of breaking needles?

5 A. I did not accuse him of saying that women broke a needle, but  
6 it was part of the study document that each politician or each  
7 leader would start by commenting on this element.

8 [10.31.16]

9 And it is true that when needles were referred to, they referred  
10 to the discipline of the Party, they say that in order to find  
11 out who would be the infiltrated enemies, then we needed to look  
12 at those people performance. So, to do so, one needed to allow  
13 people to work more, eat less. And they had to look into the  
14 activity of the persons who were doing farming, and if these  
15 individuals every now and then broke things, even needles -- if  
16 women broke needles often, these people could also been perceived  
17 as enemies. Not just women, anyone.

18 MR. PRESIDENT:

19 Thank you, Counsel, and thank you, Mr. Civil Party.

20 It is now appropriate moment for the adjournment. The Chamber  
21 will adjourn for 20 minutes. The next session will be resumed by  
22 10 to 11.00.

23 And court officer is instructed to assist Mr. Civil Party during  
24 the break.

25 (Court recesses from 1033H to 1052H)

1 MR. PRESIDENT:

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

3 I hand over the floor to the defence team for Mr. Nuon Chea to  
4 continue his line of questioning. You may proceed.

5 BY MR PAUW:

6 Thank you, Mr. President.

7 I have a few more questions relating to your Victim Information  
8 Form, and again, it's just to clarify.

9 [10.52.54]

10 Q. On your first Victim Information Form, you have listed your  
11 place of birth as Trapeang Thlok village, Cheach commune, Kamchay  
12 Mear district in Prey Veng province, whereas in your second  
13 application that you submitted through DC-Cam is -- is mentioned  
14 that he lives -- or that he was born in the Reul Leu village,  
15 Doun Tei commune, Ponhea Kreak district in Kampong Cham province  
16 and simply to clarify which of the two places is his place of  
17 birth, is the first or the second one correct?

18 MR. PRESIDENT:

19 Witness, please hold on.

20 Counsel for the civil party, you may proceed.

21 MR. MENGKHY:

22 Mr. President, I'm afraid this question is repetitive; this  
23 question has already been asked he said that his birthplace was  
24 in Prey Veng province.

25 BY MR. PAUW:

1 When I -- thank you for that additional information, I -- it had  
2 slipped my attention.

3 Q. Mr. Em Oeun, you have spoken about working as a medical doctor  
4 at sector 20, and you stated that you were under the supervision  
5 of Comrade Khoem<V> and you also stated that you do not know his  
6 family name, you only know him by the name of Khoem. My question  
7 to you is: Was he, this Mr. Khoem, was he in charge of the  
8 hospital or was he in charge of Sector 20? Just to clarify.

9 A. He was not Khoem; I never mentioned Khoem. I never mentioned  
10 Khoem as the person over there, but actually, I did mention Ut;  
11 Ut was the head of the hospital attached to Sector 20.

12 [10.55.56]

13 Q. Then perhaps it is good to quote the transcript from last  
14 Thursday. It can be found on English page 57 of the transcript,  
15 and Khmer page 48-49 of the transcript. And there may be a  
16 translation issue so I'll just read it out to you the way it  
17 reads in English: "I started working as the medical doctor at  
18 Sector 20, under the supervision of Comrade Khoem. I do not know  
19 his family name; I only know him by the name of Khoem."<V> End of  
20 quote.

21 Perhaps the name did not come through correctly, but is there  
22 anyone with a name that is similar to Khoem that may have  
23 supervised you at Sector 20?

24 MR. PRESIDENT:

25 Witness, please hold on.

35

1 Counsel for the civil party is on his feet. You may proceed.

2 MR. MENGHKY:

3 Thank you, Mr. President. I would like to clarify the transcript  
4 in Khmer.

5 Actually, according to the transcript in Khmer, the name was read  
6 as Khoem; not Khom (phonetic).

7 BY MR PAUW:

8 That helps a lot. I thank you.

9 Q. So that name -- could you clarify what the role of Mr. Khoem  
10 was?

11 MR. EM OEUN

12 A. Khoem was the Secretary of Sector 20, and Ut was the head or  
13 the director of the hospital attached to Sector 20.

14 MR. PAUW

15 Thank you, that clarifies that matter.

16 [10.58.10]

17 I, for now, do not have any further questions to pose to you, Mr.

18 Em Oeun. I thank you for your explanations and your patience.

19 And I cede the floor, with the President's permission, to the  
20 next defence team. My national counsel does not have any

21 follow-up questions. So, with your permission, I would cede to  
22 the next defence team.

23 MR PRESIDENT:

24 Thank you.

25 Next, we would like to hand over to counsels for Mr. Ieng Sary to

1 put questions to the civil party.

2 QUESTIONING BY MR. KARNAVAS:

3 Good morning, Mr. President. Good morning, Your Honours. Good  
4 morning to everyone in and around the Court, and good morning,  
5 sir. I am Michael Karnavas, and along with Mr. Ang Udom, we  
6 represent Mr. Ieng Sary.

7 [10.59.43]

8 Q. Let me pick up where my colleague left off, concerning your  
9 statement where you said that, in 1975, you were assigned to work  
10 as a medic to treat people, although you had no medical  
11 background. And this can be found on Khmer 00 -- the document  
12 would be D22/3963, and it can be found on Khmer 00573976 to 77;  
13 French, 00786185; and English, it's 00751867, or page 7.

14 Now, if we can look at the passage here, you state:

15 "In 1975, I was assigned to work as a medic to treat people  
16 although I had no medical background. If I dared refuse, I would  
17 have been alleged to be an enemy. If I was not able to heal  
18 people, I would have been alleged to be an enemy. This is what I  
19 experienced in Sector 20 in 1975 under the leadership of Ta Ut.  
20 Later on in 1976, the Angkar included me as an active member of  
21 the regime. In the same year, the Angkar sent me to undertake a  
22 study in Phnom Penh. I was very scared as my father had  
23 disappeared after going for the study as well. During the study  
24 course, I stayed at the Cambodian-Soviet Friendship Hospital in  
25 Phnom Penh."<V>

1 [11.02.19]

2 And then -- I'll leave it at that for now. Do you see that  
3 portion of your -- of the statement that you provided in filling  
4 out your civil party form where you were assisted by DC-Cam?

5 MR. EM OEUN:

6 A. Yes, I do; that's what I wrote.

7 Q. So you wrote it yourself; someone else did not write it for  
8 you. These were your words that you had no medical background?

9 A. The writing and the element in the writing are all mine,  
10 indeed.

11 Q. All right. In other words, someone did not write it for you,  
12 and mistook what you were saying and got it wrong?

13 [11.03.46]

14 This is what you put down on paper, that you had no medical  
15 background?

16 A. Yes, it is correct.

17 Q. Thank you.

18 Then, if we turn to D22/3963/1 -- and this is only in English,  
19 but it's a brief passage -- I'll read it. It says here in the  
20 report on the civil party application -- this is something that  
21 others wrote:

22 "The applicant stated that, even though he had no knowledge about  
23 it, in 1975 he was designated to be a doctor in Sector 20 which  
24 had the chief named Ta Ut. If he could not cure the patients he  
25 would be killed."<V>



1 So -- and this was ERN number 00573962. It's only in English, but  
2 would you stand by that statement as well, that you made, or was  
3 made for you?

4 MR. PRESIDENT:

5 Mr. Civil Party, could you please hold on?

6 The Co-Prosecutor, you may now proceed.

7 MR. DE WILDE D'ESTMAEL:

8 The Defence is returning to this issue of -- there is -- the lack  
9 of medical training.

10 [11.05.35]

11 I believe that question was already raised by the Nuon Chea  
12 defence team and the civil party was very clear. He said that he  
13 never retrieved -- received any formal medical training and that  
14 he was trained on the job, and that is why he stated that he has  
15 never received any official type of education. I believe that  
16 this point has already been clarified by the civil party.

17 Thank you, Mr. President.

18 MR. KARNAVAS:

19 Mr. President, if I may, very briefly, perhaps the gentleman is  
20 unaware that I represent a different client. Perhaps the  
21 gentleman thinks that the Defence is one entity.

22 We are three different entities, we represent three different  
23 clients, and certainly even though the Prosecution and the civil  
24 parties essentially are on the same team -- on the same side --  
25 they cover the topics as well.

1 I am entitled to explore this. My colleague went into it briefly.

2 I am entitled to go into it because I'm -- I represent another  
3 client, and it goes to the credibility of the gentlemen's entire  
4 testimony -- and in fact his entire status as a civil party.

5 That's why I am entitled to go into this.

6 (Judges deliberate)

7 [11.07.55]

8 MR. PRESIDENT:

9 The objection by the Co-Prosecutor is appropriate and that the  
10 question was repetitive. Therefore, the objection is sustained.

11 Counsel is now advised to put another question instead.

12 BY MR. KARNAVAS:

13 Very well.

14 Q. Let's look at the transcript, page 51. This would have been on  
15 the 23 of August 2012. Khmer page is 46, English is 56 -- I mean,  
16 French is 56, English is 51.

17 [11.08.44]

18 You're asked a question on line 21 of the English: "Just tell the  
19 Chamber what you did during the period and where you lived."

20 Answer: "During this, time from the 17th of April 1975 -- and  
21 before that -- before that -- I was a doctor. After 1975, I  
22 remained a doctor."<V>

23 So, from your own words, it would appear that before 1975 -- or  
24 at least before April 1975 -- you were indeed a doctor by your  
25 own admission; is that correct?

1 MR. EM OEUN:

2 A. Yes, it is correct.

3 Q. Now, let's focus on the part where you said you had no medical  
4 training. Let's look at page 56 of the same date -- 56 in  
5 English, Khmer is 50 to 51, French it's 60 to 61.

6 [11.09.55]

7 Here you tell us: "I came to Phnom Penh as a servant. I stayed  
8 with my granduncle and I started to acquire some medical skills,  
9 because my granduncle was a doctor."<V> Let me stop here.

10 Was your granduncle a traditional medical doctor, or was he a  
11 formal doctor having received formal education?

12 A. To be precise, my uncle -- my granduncle -- was a formal  
13 doctor and he was a doctor during the King Sihanouk regime, and I  
14 learned on the job from him on some medical skills since then.

15 Q. All right. And just to be a little more precise, did he have a  
16 licence to practice medicine under that particular regime -- if  
17 you know?

18 A. My granduncle was a doctor at a hospital and as a nephew I  
19 would not know whether he got the licence. But the only thing I  
20 know is that he was admitted as a doctor at the Khmer-Soviet  
21 Hospital.

22 Q. Okay, thank you. That was my next question -- which hospital.  
23 Thank you very much.

24 And you state on the same page that you were about 10 years old  
25 when your uncle started teaching you medicine and that you

1 started treating patients in general.

2 [11.12.14]

3 Is that right?

4 A. Yes, it is.

5 Q. Now, on the following page -- which would be Khmer page 52,  
6 French 61 to 62, and English 57 -- you state that at some point  
7 you were sent to Vietnam for training -- for a training session;  
8 is that correct?

9 A. Yes, it is.

10 Q. And could you please explain to us what sort of medical  
11 training did you receive there, in Vietnam, and for how long?

12 A. The training took place for -- indeed, after the Khmer Rouge  
13 took over -- and at that time Khmer Rouge had -- there was  
14 shortages of medics, so I was asked through my granduncle to be  
15 trained in Vietnam.

16 [11.13.48]

17 Q. Okay. Now, if you could answer my question: How long were you  
18 in Vietnam? And if you could go into specifics about what kind of  
19 training you received in Vietnam?

20 MR. PRESIDENT:

21 Mr. Civil Party, could you please hold on?

22 National Counsel for the civil parties, you may now proceed.

23 MR. KIM MENGKHY:

24 Thank you, Mr. President. I really take issue with this question.

25 He said that he was trained by some Vietnamese trainees. I am

1 afraid that there is kind of misleading information concerning  
2 the question whether he was trained in Vietnam, but he said by  
3 Vietnamese.

4 BY MR. KARNAVAS:

5 Let me -- let me quote the transcript, Mr. President -- and  
6 perhaps my colleague can follow along. As I noted, it was page 52  
7 in Khmer, French 61 to 62, English 57 where the witness -- the  
8 civil party states:

9 "And later on, the Khmer Rouge noted that my skills were not good  
10 enough to put to use, and after consultation with my father, I  
11 was allowed to go to training sessions in Vietnam under the  
12 direct order from Mr. So Phim, the secretary of the East  
13 Zone."<V>

14 [11.15.25]

15 Q. Do you recall making that statement sir? And if so, do you  
16 stand by what you stated?

17 MR. EM OEUN:

18 A. I didn't state that, but I think there could have been some  
19 misunderstanding in this. I said I went to study Vietnamese, not  
20 in Vietnam.

21 Q. Okay. So let me make sure I have it right, because in your  
22 answer, here, you say -- let me go back a little bit earlier:

23 "After leaving Phnom Penh, I was back at home, feeding my family  
24 and parents. Again, my father used to be the senior person in the  
25 Issarak Movement.

1 "And later on, the Khmer Rouge learned that I was the son of a  
2 doctor -- a family who had history or who had skills in medicine  
3 -- so I was asked to work for the Khmer Rouge. And later on the  
4 Khmer Rouge noted that my skills were not good enough to put to  
5 use, and after consultation with my father, I was allowed to go  
6 to training sessions in Vietnam under the direct order from Mr.  
7 So Phim, the Secretary of the Eastern Zone."

8 And then, further down, after the next question you say:

9 "...I was younger than 20. I started medicine and treated patients  
10 and, at the time feeding my parents."<V>

11 Now, are you telling us today that So Phim was interested in you  
12 learning Vietnamese and not learning medicine? Because, from your  
13 answer -- you're talking about skills, medical skills. So which  
14 of the two, sir?

15 A. The true answer is that, after I arrived at Phnom Penh and  
16 after returning home, So Phim, with my father approval, allowed  
17 me to study in Vietnam -- to study medicine.

18 Q. Okay. Thank you very much.

19 [11.18.18]

20 Now, if you could please tell us -- now that we have you in  
21 Vietnam, studying medicine -- can you please tell us for how long  
22 you were in Vietnam -- what was the period?

23 A. I spent three years attending the medical training sessions in  
24 Vietnam. I think that's the exact date. I think I may have  
25 forgotten, but that's the appropriate period that I attended the

1 training there.

2 Q. All right, and so after three years of medical training in  
3 Vietnam, you returned back to Cambodia; is that correct?

4 A. Yes, it is.

5 Q. And so when you say here that you were younger than 20 when  
6 you started medicine and treating patients, was this before or  
7 after your Vietnamese training -- medical training?

8 A. I stated already that I acquired some medical -- informal  
9 medical skills when I was at a very young age, when I was living  
10 with my granduncle.

11 Q. All right.

12 [11.20.14]

13 Well, we'll move on for a second. Let's go on to the next page,  
14 which would be Khmer page 53, French 62, English 58. Here, you  
15 say, you -- you're qualifying your answer and you're telling us a  
16 little bit more: "After leaving Vietnam, my father and Ta So  
17 Phim, and Ta Khoem asked me -- asked me to work as a medical  
18 doctor for the sector."

19 Is it true that your father, So Phim, and Khoem asked you to work  
20 as a medical doctor?

21 A. Yes, it is.

22 Q. So they did not force you to become a medical doctor, or a  
23 medic; they asked you, and this was after your three years of  
24 medical training in Vietnam, plus all the practical training you  
25 had received from your granduncle in Phnom Penh; is that right?

1 [11.21.42]

2 A. I wish to emphasize on this. I said that -- when I said I  
3 attended training sessions, it means that I attended official  
4 training sessions. However, I also acquired some skills  
5 informally -- not through formal education.

6 Q. All right. Can you please tell us; when you returned from  
7 Vietnam and you -- when you were asked to become a medical doctor  
8 up there by So Phim and your father, was this before or after  
9 April 1975?

10 A. Could you please repeat the question? If I am mistaken, you  
11 may also tell me, but I think I didn't quite get your question.  
12 Please repeat it.

13 Q. All right, my apologies.

14 [11.23.13]

15 When you return from Vietnam and you started working as a doctor  
16 for Sector 20, was this before or after the fall of Phnom Penh?

17 A. When I was a medic in Sector 20, it was before Phnom Penh  
18 fell.

19 Q. Can you please tell us how many months or how many years  
20 before Phnom Penh fell?

21 A. I am afraid I don't recollect this.

22 Q. All right. But it would be -- let me just move on. Let's move  
23 on to page -- Khmer page 58, French 67 to 68, English 63.

24 You said here: "I worked after being assigned by the sector to  
25 teach medical skills to people. At that time, I was asked to



1 serve the people in general."

2 Can you please tell us whether you started teaching others  
3 medical skills before or -- before going to Phnom Penh in '75 or  
4 '76 -- whenever it was that you went -- or afterwards?

5 A. I studied the medical skills at Sector 20 after the fall of  
6 Phnom Penh, and you know I had to attend these sessions on  
7 several occasions, first in Vietnam and also at Sector 20.

8 Q. But can you please tell us, when you began teaching at the  
9 sector; was this before the fall of Phnom Penh, or after?

10 A. I taught medical skills to people both before the fell of --  
11 the fall of Phnom Penh, and also after the fall of Phnom Penh.

12 [11.26.43]

13 But my knowledge was little before that. But I acquired more  
14 skills after and it was based on the principle that those who  
15 knew more taught those who knew less.

16 Q. All right. Thank you. And if we stay on the same page, you go  
17 on to say:

18 "...I had to teach others to have the code of ethics for -- when  
19 they are doctors or medics. And I noted that the policy by the  
20 Party was good and I would like to impart the good things to  
21 others. I was teaching them to understand their position. If they  
22 were doctors, they had to be fully responsible for treating  
23 people because they had to make sure that if people died under  
24 their treatment then they would also be responsible for that. And  
25 I also taught them the causes of the diseases and how to treat

1 them."<V>

2 [11.28.08]

3 And as I noted, this could be found on page 58 of the Khmer. The  
4 timeframe would be right below, 13 minutes, 41 seconds -- 13  
5 hours, 41 minutes and 10 seconds.

6 Now, sir, do you recall making that statement, and can you please  
7 tell us when you talk about the policy of the Party, was that the  
8 policy that you understood it to be before the fall of Phnom  
9 Penh?

10 A. I think I do not really get your question.

11 Q. All right. Let me go step by step. You say here that you had  
12 to teach others about the ethics of being doctors and that the  
13 policy of the Party was good. Was that the policy of the Party,  
14 as you understood it before '75?

15 A. It was before the fall of 1975, because I know that -- I noted  
16 that the policy was good; otherwise, I could have never stayed  
17 long with them.

18 [11.29.59]

19 Q. All right. And was the policy the same after 1975, as you  
20 observed it, from having been trained in Phnom Penh?

21 A. I never taught people any political matters. I used to only  
22 teach people on medical skills.

23 Q. And that's what we're speaking about. We're speaking about you  
24 teaching medical ethics on how doctors should behave, that they  
25 should be fully responsible. So that's what I'm speaking of.

1 So was that the policy after 1975, as you observed it?

2 A. The Party's policy before 1975 was decent enough for us to  
3 work for, however, I became surprised by the change of policy  
4 after the fall of Phnom Penh.

5 Q. Okay, sir, we're speaking about medicine, you being a doctor,  
6 so that's what we're talking about, the context of policy as you  
7 put it in here.

8 [11.31.39]

9 But let me move on. On Khmer page 58 to 59; French, 68 to 69;  
10 English, page 64, right below 13.44.28, you say that:

11 "After people have learned that I acquired medical skill and they  
12 would like me to continue this career, and I got my relatives,  
13 who all had been medical doctors. And, as a doctor -- as --  
14 having this skill, I was admired by other people and I was asked  
15 to be engaged in treating other people or teaching other people  
16 on this. So this is my background."<V>

17 Okay? So let me ask you: Is this before 1975 or after 1975 that  
18 you were admired for your medical skills?

19 A. That was prior to 1975.

20 Q. All right. And if they admired you prior to 1975, did they  
21 continue to admire your medical skills after 1975, especially  
22 after you went to Phnom Penh and received further medical  
23 training?

24 A. I did not need people to receive this feedback after that. It  
25 -- I and other people were intimidated. We were frightened

1 already after the fall of Phnom Penh.

2 [11.34.04]

3 Q. Perhaps something was lost in translation. I'm asking whether  
4 you, sir, you, the civil party, sir, were admired for your  
5 medical skills after 1975. You told us that you were admired  
6 beforehand, before '75. Did they continue to admire your medical  
7 skills?

8 A. Before 1975, they admired my medical skills, and after 1975,  
9 they continued to use my medical expertise. And even to date,  
10 they still come to me for medical advice and assistance.

11 Q. All right. Now, when you went to Phnom Penh to receive further  
12 medical training, I realize that you had some training --  
13 political training or training on political theory, but sticking  
14 to medicine. Do you recall how many months of training did you  
15 receive in Phnom Penh, medical training that is, how many months  
16 or years?

17 [11.36.00]

18 A. In terms of medical training, as I mentioned in my document,  
19 the training session were supposed to be completed in one full  
20 year, but actually I only took the course for nine months or so.  
21 But I also attended the short training -- medical training  
22 courses which lasted for two or three months or so. It was not as  
23 a very rigorous training programme, but it was to obtain some  
24 basic medical skills.  
25 During the Democratic Kampuchea period, we had to be very skilful

1 in whatever we do. Otherwise, our life will be at serious risk.

2 Q. And can you please tell us, more or less, how many years had  
3 you been engaged in medicine prior to coming to Phnom Penh for  
4 that additional training, that is?

5 A. I do not recall exactly.

6 Q. Well, was it -- you told us that you were three years in  
7 Vietnam getting medical training. Do you recall how many years  
8 after returning from Vietnam did you practice medicine before  
9 going for further training in Phnom Penh?

10 A. After I left Vietnam, I was attached to a hospital of Sector  
11 20, but I do not recall the exact date when I started and how  
12 long I worked there precisely.

13 Q. All right. Do you recall how old you were at the time?

14 [11.38.42]

15 A. I do not recall it either.

16 Q. Do you recall how old you would have been in 1975 or '76?

17 A. I do not recall it, so I cannot respond to your question.

18 Q. All right. And -- well, can you tell us what year you were  
19 born?

20 A. You -- I think you are already aware of that. I am now 60  
21 years old -- 61 years old.

22 Q. (Microphone not activated) -- the math, sir, as to how long  
23 you had worked in medicine, because you stated in your civil  
24 party application that you had no background, so if we -- and you  
25 told us that you started in medicine getting some training as

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1 early as age ten. So, by 1975, we're trying to figure out how  
2 many years you would have been involved in medicine and how much  
3 training or what sort of background you would have had by that  
4 point.

5 So could you please tell us when you were born?

6 [11.40.21]

7 A. If we want to find out about the exact age of mine, it's a  
8 rather difficult because I changed it from time to time, but I  
9 was born in 1951.

10 Q. All right. Well, just out of curiosity, is there a reason why  
11 you would change your date from time to time, because one would  
12 get the impression that you're trying to deceive others as to  
13 your age by doing so?

14 MR. PRESIDENT:

15 Prosecutor, you may proceed.

16 MR. DE WILDE D'ESTMAEL:

17 Two things, Mr. President.

18 First, I don't quite understand where the Defence is heading with  
19 this particular line of questioning.

20 And, secondly, it does seem to me as if the witness has said that  
21 he was born in 1951, and as time goes by, so a person's age also  
22 changes, that seems logical to me. Thank you, sir.

23 [11.41.41]

24 MR. KARNAVAS:

25 Mr. President, first of all, it's the issue of veracity, whether

1 he's being truthful as a civil party.

2 I think, thus far, my colleague for the Nuon Chea was trying to  
3 establish there may be other reasons why some of his answers have  
4 changed. We now have been told that he changes his date of birth.  
5 That was how it was understood in English. So, if that is the  
6 case, then it begs the question why would one change their date  
7 of birth other than to conceal or manipulate the answer, which  
8 again calls into question his veracity.

9 So, with that, perhaps I could ask for a clarification from the  
10 witness. Does he change his date of birth? And does he represent  
11 his date of birth to be different to different people on  
12 different occasions for different purposes?

13 [11.42.57]

14 MR. EM OEUN:

15 A. I would like to respond to this particular question. The  
16 Prosecution has already mentioned about the changes of the age. I  
17 have never changed. For example, if I said I am 51 years old then  
18 I have never changed it, but in terms of the time, I did change.

19 BY MR. KARNAVAS:

20 Q. Very well, I'll stay with that. So, if you were born in '51  
21 and if you started medicine when you were approximately 10 years  
22 old -- getting trained, that is -- by the time 1975 comes along,  
23 you have anywhere from 13 to 14 years of experience and  
24 background in medicine, do you not?

25 MR. EM OEUN:

1 A. I did not mention when I started studying, but I only  
2 mentioned that I started learning medicine when I was mature  
3 enough.

4 Q. All right. Well, let me just go back to what you stated to  
5 DC-Cam, and give you an opportunity to revisit that and see  
6 whether you wish to stand by it or correct it, because you stated  
7 here, for the purposes of becoming a civil party: "In 1975, I was  
8 assigned to work as a medic to treat people, although I had no  
9 medical background."

10 [11.44.56]

11 Based on the answers that you gave in Court in previous days and  
12 today, do you still maintain that in 1975 you "had no medical  
13 background"?

14 A. I stand by my statement in the Victim Information Form, and I  
15 also stand by the -- what I have written with my thumbprint  
16 affixed, and the defence counsel has already mentioned that I  
17 appeared to be untruthful, but in order to avoid any suspicion of  
18 my truthfulness I would like to swear in the names of God.

19 Q. Let's look at page--

20 MR. MENGKHY:

21 (No interpretation)

22 [11.46.22]

23 MR. PRESIDENT:

24 Lawyer for the civil party, you may proceed.

25 MR. MENGKHY:



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1 Mr. President, with your leave, I would like to suggest that the  
2 question be postponed for the time being for the reason that the  
3 civil party is now being moved by the question. So it is  
4 important that we pause here before we proceed.

5 MR. KARNAVAS:

6 We have no objection, Mr. President.

7 (Short pause)

8 [11.47.19]

9 MR. PRESIDENT:

10 The time is now also appropriate for lunch adjournment. Since the  
11 civil party is now not in a good shape in terms of his feeling  
12 this morning, so the Chamber calls for an adjournment for lunch a  
13 bit earlier than scheduled, and we will resume at 2 p.m. this  
14 afternoon.

15 [11.47.57]

16 Court officer is instructed to coordinate the room for the  
17 witness to rest during lunch break and have him back before the  
18 Chamber before 2 o'clock in the afternoon, and the Chamber wishes  
19 to advise parties and members of the public that this afternoon  
20 and tomorrow the Chamber will resume the hearing at 2.00 instead  
21 of 1.30 because, for this afternoon and tomorrow afternoon, Mr.  
22 Ieng Sary is to be undergone the medical assessment by the  
23 physician. That's why it is appropriate for us to resume at 2.00  
24 instead of 1.30.

25 I note the defence counsel is on his feet. You may proceed.

1 MR. PAUW:

2 Thank you, Mr. President. Mr. Nuon Chea would like to follow this  
3 afternoon's proceedings from his holding cell as he is suffering  
4 from a headache, back pain and a general lack of concentration.

5 And we have prepared the waiver.

6 (Judges deliberate)

7 [11.49.24]

8 MR. PRESIDENT:

9 The Chamber notes the request by Mr. Nuon through is defence  
10 counsel to follow the proceeding by remote means through  
11 audio-visual means for the remainder of today's proceedings due  
12 to his health reason. He has problem sitting for a long time in  
13 the courtroom.

14 For this reason, the Chamber grants the - Mr. Nuon Chea leave to  
15 follow the proceeding from a holding cell downstairs through  
16 audio-visual means for the remainder of today's proceeding. Mr.  
17 Nuon Chea has expressly waived his right to participate directly  
18 in this courtroom.

19 However, the Chamber requires the defence team for Mr. Nuon Chea  
20 to submit to the Chamber immediately the letter of waiver of Mr.  
21 Nuon Chea with his thumbprint or signature.

22 [11.50.18]

23 AV assistant is instructed to connect the audio-visual equipment  
24 to the holding cell downstairs to enable Mr. Nuon Chea to follow  
25 the proceeding from there for the remainder of today's

1 proceeding.

2 And security guards are instructed to bring Mr. Khieu Samphan and  
3 Mr. Nuon Chea to the holding cell downstairs. And this afternoon  
4 Mr. Nuon Chea is to remain in the holding cell, where he is  
5 connected to the audio-visual mean to follow the proceeding this  
6 afternoon. As for Mr. Khieu Samphan, he is to be brought before  
7 us before 2 o'clock this afternoon.

8 The Court is now adjourned.

9 (Court recesses from 1151H to 1402H)

10 MR. PRESIDENT:

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

12 Before we hand over the floor to counsel for Mr. Ieng Sary to put  
13 questions to the civil party, the Chamber wishes to remind Mr. Em  
14 Oeun to be patient when responding to questions. The Chamber has  
15 already informed Mr. Em Oeun already that you are before the  
16 Court and you are being cross-examined by parties to the  
17 proceeding and please compose yourself, be patient to respond to  
18 each and every question posed by counsels or parties.

19 [14.04.28]

20 The Chamber wishes to also remind you to be attentive to the  
21 questions and try your best to respond to the questions other  
22 than making some other comments that are not relevant to the  
23 questions. It is a waste of time and it causes some confusion as  
24 well.

25 So, we would like, now, to hand over to counsel for Mr. Ieng Sary

1 to proceed with his questions. You may now proceed.

2 BY MR. KARNAVAS:

3 Thank you, Mr. President. Good afternoon, Your Honours. Good  
4 afternoon, everyone in and around the courtroom, and, again, good  
5 afternoon, sir.

6 Q. Let's pick up where we left off, and I want to refer to your  
7 testimony of the 23rd of August 2012; Khmer page 80; French, 92  
8 to 93; in English, it's 89. And it would be right above 15.19.04  
9 on the clock.

10 [14.05.47]

11 And your answer here -- and you touched on this a little bit  
12 earlier when you were being questioned by the Nuon Chea team:

13 "I saw foreigners, Chinese and Koreans who came to provide  
14 medical training at the hospital. And Mr. Thiounn Thioeunn was  
15 very good at that. I saw him who gave training, and I still  
16 recognize him if he would be standing here today. He was of a  
17 medium build. He taught us about the scientific medical matters,  
18 and the Korean and Chinese also assisted us with the operation  
19 techniques."<V>

20 Now, from this answer, sir, it would appear that Mr. Thiounn  
21 Thioeunn was, in fact, providing you with training; is that  
22 correct?

23 A. Yes, it is.

24 Q. And when you say that he was very good at it, can you please  
25 tell us whether he also explained, as part of the training, the

1 importance of being a doctor and the importance of providing good  
2 medical treatment.

3 A. He did not explain this to us.

4 [14.07.42]

5 Q. Well, did he explain to you that you should not be good  
6 doctors? That you should not be ethical?

7 A. I don't recall having heard him saying these words.

8 Q. Was the medical training that you received in Phnom Penh under  
9 Mr. Thiounn Thioeunn or the Korean or Chinese or others who were  
10 teaching you? Did they teach you proper medical techniques, at  
11 least, as far as you understood them to be?

12 A. These individuals provided us with proper medical training.

13 Q. Now, let's look at another portion of your testimony, same  
14 day, Khmer page 90 to 91; French, 104; English, page 101. And,  
15 again, this is right above 15.53.21. You tell us the following:

16 "Upon my return from Phnom Penh to my base, Sector 20, I went  
17 back to my own -- my old office and I was in charge of training  
18 of other -- medical training, and I was also in charge of the  
19 political training session for people at the base, as well. And I  
20 also went to inspect other hospitals, as well, when time  
21 permitted; I would go to see if there was an outbreak of diseases  
22 -- or epidemic diseases in other district hospitals".<V>

23 [14.10.00]

24 Let's focus on this answer of yours. Aside from the medical  
25 training that you performed back at the base at Sector 20, could

1 you please explain to us the political training that you were  
2 providing at these sessions to the people at the base?

3 A. I used to give some instructions and advice to our people on  
4 the hygiene or sanity, so I provided some training sessions on  
5 this aspects.

6 Q. All right, so when you talk about political training -- at  
7 least the political training that you were involved in -- was on  
8 hygiene and proper sanity living conditions. Is that what your  
9 answer is?

10 A. Yes, it is correct.

11 Q. And who authorized you to provide this sort of political  
12 training?

13 A. Ta Ut, the head of the hospital at Sector 20, who ordered  
14 this.

15 Q. And can you please tell us which of the hospitals you would go  
16 to, to inspect them and to see whether there would be outbreak of  
17 diseases or epidemics?

18 [14.12.03]

19 Where would they be?

20 A. I inspected the hospital at communes. I remember going to  
21 Kanhchriech commune in the Kanhchriech district, Smaong, Tboung  
22 of Kamchay Mear district.

23 Q. And were these hospitals similar to the one at Sector 20,  
24 where you were located, and where you were practising?

25 A. With regard to treatment at commune level, they did not have

1 proper medicine as those at the provincial hospital. They used  
2 the rabbit pellets medicines.

3 Q. All right. Now, prior to 1975, were there proper hospitals in  
4 that area?

5 A. Prior to 1975, in Zone 20, there was a proper hospital.

6 Q. All right.

7 [14.13.55]

8 Now, I want to focus on another part of your testimony, where you  
9 indicated about operations and experimentation. So, let's focus  
10 on Khmer page 78 to 79, French page 91, English 90 -- English 87.

11 This is again of the transcript of the 23rd of August. And I want  
12 some clarification here, if you would provide it to us.

13 You were asked: "Were there any medical operations -- operation  
14 conducted on people as part of experiment?"

15 And your answer is: "At the 17 April Hospital, or Cambodia-Soviet  
16 Friendship Hospital, there were medical doctors who were from  
17 Sector 20. It was the largest hospital in the country, back then.

18 I did not witness any medical operation, but I did see this  
19 happening at the base, when people who were expected to be  
20 executed had to -- had to go under medical operation as part of  
21 the experiment. They were operated on alive".

22 And then, later on, you say: "The truth is that I was also  
23 involved in this."<V>

24 And then you go on to say: "And trainees would be asked to look  
25 at how the fingers would be cut and removed."<V>

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1 [14.15.47]

2 So, let's look at this part of your testimony. You did not see  
3 any medical experimentation in Phnom Penh; is that correct?

4 A. Yes, it is. I only witnessed such medical experimentation in  
5 Sector 20 at the military hospital in that sector.

6 Q. And Sector 20 is where you were working?

7 A. Yes, it was. I worked at the -- I worked at the normal people  
8 hospital -- general hospital, but then I saw this happening at  
9 the military hospital.

10 Q. But then you go on to say: "The truth is, I was also involved  
11 in this."

12 And so can you please explain to us to what extent you were  
13 involved in experimenting on live patients?

14 A. This suggests that I saw the people who were destined to be  
15 executed who would then be used for this medical experimentation  
16 where their parts of the body would undergo the vivisection.

17 Q. All right, well help us out a little bit, because earlier I  
18 pointed out to where you said that when you returned to the base,  
19 you began training -- training people on medical techniques.

20 [14.18.15]

21 You then go on, on this part of your testimony where you say  
22 trainees -- that is, people that were being trained -- were being  
23 asked to look at how the fingers were cut and removed. You say  
24 that you were involved in this. Now you're telling us you were  
25 merely observing at a hospital that you were not working. Can you



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1 please tell us, honestly, to what extent you yourself was  
2 involved in experimenting?

3 A. At that time, the involvement here was about seeing -- being  
4 there to see when people were cut -- their fingers were cut and  
5 removed. Their flesh were vivisected and removed. And the  
6 operation was on a small scale and a large scale, and we were  
7 there to engage in observing the operation when it was being  
8 carried out.

9 [14.19.59]

10 So we were told to look at these operations precisely before we  
11 could operate on any other persons. Although they told us that  
12 people could be destined for execution, but we had to operate on  
13 them professionally; technically.

14 Q. All right. If you were there as a mere observer, can you  
15 please tell us who invited you to go there to observe these  
16 medical techniques, particularly when you were already a trained  
17 medic or a doctor, with some 14 years of experience?

18 A. I think it is easily understood that if a person who was  
19 perceived to be executed, then, after all, he would be killed, so  
20 we just follow what the order or instruction would be rendered by  
21 the Party.

22 Q. Sir, I'm asking you a very concrete question. You were there  
23 at Sector 20. You were there training both on medical techniques  
24 and on political ideology.

25 [14.31.30]

1 I'm asking you for a concrete answer. Who invited you to the  
2 medical hospital for you to observe these operations? Give us a  
3 name.

4 A. The person who allowed me to bring trainees to the place was  
5 the Party of that sector, and also people who were in charge of  
6 hospital.

7 Q. All right. Well, based on that answer -- let me just press a  
8 little bit. Are you saying you were voluntarily going there as an  
9 observant, or were you being ordered to do so?

10 A. As a trainer, we had to be with trainees, and -- whether  
11 trainees had to perform anything, we had to be abided by the  
12 order by the Party, so the head of the Party at that location was  
13 the head of the hospital who ordered us.

14 Q. And who was the head of the Party, who was head of the  
15 hospital -- who was ordering you? That's what I'm asking, because  
16 presumably that's the person that was ordering you to go there to  
17 make these observations and to train others.

18 [14.23.35]

19 A. I think you should understand that everyone had to obey the  
20 order. No one was more powerful than the head of the hospital. It  
21 was the head of the hospital who ordered us to do this, so we  
22 just followed that person's orders.

23 Q. Let me ask it one last time: Who was the head of hospital? If  
24 you don't know, say I don't know. Give us a name. Who -- what is  
25 the name of the person that was the head of the hospital that was

1 ordering you there, sir?

2 A. Well, that person was Ta Ut.

3 Q. Thank you.

4 Now, if we look on the next page, you are asked the question:

5 "Who ordered such operations?"

6 You've just told us who ordered you to go and observe these  
7 operations.

8 [14.24.51]

9 And so, now, I would like you to answer the question which you  
10 did not answer before: Who ordered such operations?

11 And, for the record, I'm referring to Khmer page 79, French 91 to  
12 92, English page 88, and it's right below 15.15.20.

13 A. The person who ordered such operation was the Party -- the  
14 Party representative for the hospital within that sector.

15 Q. Again, if you could provide us with a name, sir? You know what  
16 I'm asking. Please provide us that information so I can move on  
17 to the next section and not have to ask the question five more  
18 times.

19 A. I don't know whether you have obtained this or not. Just  
20 because I say that Ta Ut was the head of the hospital and the one  
21 who ordered all this.

22 Q. Thank you. And where is that individual today, if you know?

23 A. I do not know whether he's still alive or deceased.

24 [14.26.52]

25 Q. All right. Now, is Ta Ut -- is that his alias, or is that his

1 real name?

2 A. I do not know whether he used other names, but I knew him to  
3 only have this name, Ta Ut.

4 Q. All right, thank you.

5 Now, let's move on to another topic, the topic of Borei Keila,  
6 where you've told us you've received some training -- some  
7 political training. And the question that I'm most interested in  
8 is whether you saw Mr. Ieng Sary.

9 So, let's look at some of what you've said so far. On transcript  
10 of 23 August 2012, which is page 79 in -- I mean, 70 to 71 in  
11 Khmer, 79 in English, and for the French, I must apologize, I  
12 don't have it, but it would be right below 14.27.16.

13 [14.28.17]

14 You were asked a question, and then this is your answer: "At the  
15 time, I saw -- at the time, I saw comrade Pol Pot and I saw Mr.  
16 Nuon Chea, Mr. Khieu Samphan. I am not sure whether or not I saw  
17 Mr. Ieng Sary..." This is what you said then.

18 Now, let's look at your testimony from yesterday. And you were  
19 initially asked by the prosecutor the following: "Did you ever  
20 see Mr. Pol Pot, Ieng Sary, Nuon Chea or Khieu Samphan when you  
21 were there?"<V>

22 And this is on page 19 of yesterday's transcript. It would be  
23 right below 09.52.37.

24 So, "did you ever see..." This is question being asked by the  
25 prosecutor yesterday.

66

1 Your answer is: "Concerning those four people, I have -- I have  
2 met them, but very briefly, when I was attending political  
3 trainings at Borei Keila."<V>

4 So, based on the question, it would appear -- now you're saying  
5 that you met Mr. Ieng Sary.

6 [14.29.48]

7 Now, let's look at, later on, right above 10.14.03 of yesterday's  
8 testimony, on page 26 in English, where the same prosecutor says:  
9 "At our hearing last Thursday, you mentioned Yun Yat, Pol Pot,  
10 Nuon Chea, Khieu Samphan and Hu Nim as being among the leaders  
11 who spoke or who delivered speeches at the political education  
12 sessions that you attended, and you said that, with respect to  
13 Ieng Sary, you weren't absolutely sure about him."<V>

14 Now, of course, in your previous answer, there's nothing about  
15 "absolutely" that was thrown in by the prosecutor. Let me ask you  
16 before we go to what else you stated on this issue.

17 As you sit here today, do you have an independent recollection of  
18 ever seeing Mr. Ieng Sary over there during that political  
19 training?

20 A. Yes, I did see him. He didn't -- I did not do anything, I just  
21 saw him.

22 Q. All right. That's your testimony today, that now you're  
23 certain. Before, you weren't certain -- you weren't absolutely  
24 certain, but now you're certain. Okay.

25 Well, let's see what you've said when you were filling out these

1 forms.

2 [14.31.46]

3 And we'll start off with D22/3963. And this is part of your  
4 supplemental information to the document – to follow up with the  
5 Documentation Center of Cambodia. The Khmer page is 00573976 to  
6 77, French 00786185, English 00751867.

7 This is what you say, sir: "I saw Mr. Pol Pot, Nuon Chea, Mr.  
8 Khieu Samphan, and Ms. Ieng Thirith there."

9 Can you please point out to me, sir, where do you say that you  
10 saw Mr. Ieng Sary there? Take your time. Point it out to me.

11 [14.33.13]

12 Would it be fair to say, sir, that you didn't say anything? You  
13 don't mention Mr. Ieng Sary there?

14 A. I can say that sometime in questions I may be mistaken, and I  
15 saw some people in the leadership, and I did see Mr. Ieng Sary,  
16 but I just did not wish to mention this seriously, and did not  
17 want to go further on that.

18 Q. All right. Well, first of all, let's look at this. Is this,  
19 sir, not a statement that you yourself wrote out? This is the  
20 same one, by the way, where you claim that you had no medical  
21 background. In fact, we're on the same page. You wrote this out;  
22 did you not?

23 A. Yes, I did.

24 Q. So, this was not in response to questions. This is what you  
25 put down yourself, when you were trying to make an application to

1 become a civil party, right?

2 A. Yes, it is.

3 Q. And when you filed this application, were you not trying to be  
4 serious?

5 A. Well, I had been very serious. When I filed this application,  
6 I was very serious, because I have lost my loved ones, and for  
7 that I have to lodge a complaint to voice my concern to make sure  
8 that my voice is heard concerning the suffering I have -- had  
9 endured. And I indeed saw these individuals. What they did is  
10 their business.

11 [14.35.56]

12 Q. Now, let's look at D22/3963/1, which is the report on the  
13 civil party application. I believe it's dated 30th of April,  
14 2010. Although it would appear that the application was signed on  
15 the 29th of January 2010. But here we see, on the very first page  
16 -- no, I'm sorry. Here's what we see on -- we see it on the  
17 second page. And this is only in English -- my apologies. But the  
18 ERN number is 00573962. Here's what it says. He stated that  
19 during his study, he saw the presence of Pol Pot, Nuon Chea,  
20 Khieu Samphan, and Ieng Thirith.

21 MR. PRESIDENT:

22 The Prosecutor, you may proceed.

23 MR. DE WILDE D'ESTMAEL:

24 Thank you, Mr. President. The document that the Ieng Sary defence  
25 is referring to is a report on a civil party application. It's a

1 document that was drawn up by the Victims Support Section that is  
2 based on the original of the request which is the one we have  
3 just been talking about, D22/3963.

4 [14.37.33]

5 So, I don't quite see why the Defence needs to read out a summary  
6 that was prepared by an external body which is not a document  
7 that has been endorsed by the civil party himself.

8 I think that the Defence should limit itself to using the  
9 document that was signed by the civil party, 3963, in other  
10 words, and I don't see why the submission by the VSS should add  
11 anything to this debate. It's just a summary on the basis of what  
12 they drew from the form submitted by the civil party. So, I think  
13 that the Defence should refrain from reiterating quotes which  
14 serves no particular purpose, in other words by delving into  
15 D22/3963/1. Thank you.

16 MR. KARNAVAS:

17 I will be perfectly happy to move on, Your Honour, but the point  
18 that I'm trying to make is that others rely on this information.  
19 So, if it's misinformation, then, obviously, the application will  
20 have misinformation as well -- that is, the report on the civil  
21 party application.

22 BY MR. KARNAVAS:

23 But I'll move on.

24 [14.38.48]

25 Q. Let's look at, then, D230/2/4.2.277a, and the Khmer ERN number



1 is 00508424 to 26; French, 00822270 to 71; English, 00777625. And  
2 here you talk about:

3 "In 1975, I worked as a Khmer medic" - "I worked", not studied,  
4 but "I worked as a Khmer medic" - "at the Russian Hospital in  
5 Phnom Penh. Then it was quiet both outside and inside the  
6 hospital.

7 At the time, I was sent to undertake the Communist Party policy  
8 at Borei Keila. I saw and recognized the person who instructed us  
9 for an hour. It was Pol Pot. It was followed by Nuon Chea" and  
10 then you mention also Khieu Samphan; nothing about the presence  
11 of Mr. Ieng Sary either as a trainer or being there.

12 Do you see that, sir?

13 [14.40.54]

14 MR. EM OEUN:

15 A. As for Ieng Sary, I actually saw him very briefly and counsel  
16 might have already noticed that. And actually, it took place some  
17 40 years ago so I have forgotten some of it; it bases on my  
18 recollection. I have no way to keep a record of everything -- of  
19 every memory of the event that unfolded at that time.

20 Q. Sir, my question is: Do you see you naming Mr. Ieng Sary as  
21 being present there or giving any instructions, anything in your  
22 statement, do you see it there? It's a yes or a no; it's either  
23 there on the paper or it's not.

24 A. I might have added additional information to that, because in  
25 my earlier statement I did not mention him, but later on I added

1 that I saw him briefly.

2 Q. All right. Well, I have looked at all of your applications,  
3 I've looked at everything that you've submitted and I can't find  
4 a single reference where you say where Ieng Sary was there at  
5 Borei Keila and that you saw him there during those training  
6 sessions. Can you please tell us when it was it that you mention  
7 this information and where can we find it?

8 [14.42.57]

9 A. If you did not see it in my statement -- in those two forms --  
10 why are you asking me that question? You may think it over again.  
11 We, human beings, tend to forget things. So, I only acknowledge  
12 that these statements belong to me and I had to try to recall the  
13 past event. And I could not, at that time, recall every detail of  
14 it. I had to provide supplementary information later.

15 Q. All right. Well, I can understand that with Mr. Ieng Sary, but  
16 let me just go back to what you said earlier about having no  
17 medical background. When you provided that information to DC-Cam,  
18 had it slipped your mind because of the passage of years that you  
19 had absolutely no medical background for nearly 13 or 14 years  
20 and that's why you put down "no medical background"?

21 MR. PRESIDENT:

22 Witness, please hold on.

23 The Prosecutor, you may proceed.

24 MR. DE WILDE D'ESTMAEL:

25 Two comments, if I may, Mr. President.

1 [14.44.37]

2 The first is the tone that we are hearing here from the Ieng Sary  
3 defence counsel. It's a tone which can be heard in this courtroom  
4 as being aggressive and I really don't think it's appropriate in  
5 this courtroom to try and destabilize the civil party like this.

6 My second point is that with respect to that medical training,  
7 earlier on I made an objection on the subject because the civil  
8 party had been perfectly clear by saying: "I didn't have a  
9 necessarily formal medical training with a diploma, but, yes, I  
10 did have informal training of a kind."

11 The defence counsel is coming back to this subject. We have just  
12 spent at least an hour on it. The civil party said what he had to  
13 say about it, and I really don't believe there's any need to come  
14 back to it by talking about Borei Keila.

15 Those are my objections, Mr. President.

16 [14.45.39]

17 MR. KARNAVAS:

18 Just very briefly, Mr. President, the reason I came back to it is  
19 because he claimed amnesia as to why he wasn't able to remember  
20 Ieng Sary all of a sudden. He does remember him, but in all the  
21 other opportunities he was given, he never mentions him because  
22 things, obviously, after 40 years you can't remember every  
23 detail.

24 And given that explanation, I wanted perhaps the gentleman to  
25 explain maybe now that we've established that he had 14 years of

1 medical training, why he said that he had no, absolutely no  
2 background in medicine; not formal training, but no background.  
3 Was it because it was a lapse of memory or was it because the  
4 gentleman was simply not telling the truth when he was filling  
5 out his application.

6 (Judges deliberate)

7 [14.47.42]

8 MR. PRESIDENT:

9 The objection and the grounds for objection by the Prosecution  
10 are valid and thus sustained.

11 So, Counsel, please move on to the next question.

12 BY MR. KARNAVAS:

13 Q. You told us, sir, that, you were forced to marry and that then  
14 you got a divorce. May I ask when it was that you got the  
15 divorce?

16 MR. EM OEUN:

17 A. I would like to discuss a bit on the divorce. I know that my  
18 statement concerning my personal divorce affairs might not be  
19 conducive to the Court proceeding now.

20 MR. PRESIDENT:

21 Witness, you are instructed to respond to the question. I have  
22 already advised you that it is the discretion of the Chamber to  
23 decide whether or not you should respond to the question.  
24 Otherwise, you should respond to all the questions posed by you.  
25 So, you may proceed.

1 I note the Lead Co-Lawyer for the civil party is on his feet. You  
2 may proceed.

3 [14.49.23]

4 MR. PICH ANG:

5 Thank you, Mr. President. Actually, this question has already  
6 been asked, and the civil party himself have answered to this  
7 question. And I understand the President's direction that the  
8 civil party has the duty to respond to the question.

9 And I believe that, then, the Accused should be bound by this  
10 duty, as well, to respond to the questions put by other parties.

11 MR. PRESIDENT:

12 Well, we understand very clearly that if the civil party  
13 exercises his right to remain silent from the very -- from the  
14 beginning then we would not have summoned him to come to testify  
15 before this Court from the very beginning.

16 [14.50.34]

17 So, if you exercise the right to remain silent then you should  
18 remove the names of the civil party from the list to be appearing  
19 before the Chamber so that it also saves the court time. So, you  
20 may examine this case again. I am afraid that you may be confused  
21 in terms of this procedure before us. So, Counsel Karnavas, you  
22 may continue.

23 BY MR. KARNAVAS:

24 Thank you, Mr. President.

25 Q. Let me ask the question again. You told us last week, and I

1 have the transcript pages, it was on the 23rd of August on page  
2 52 in English, it's 42 in Khmer, 56 in French and, then again, on  
3 the same day we find it on page Khmer 93 to 94, French 108 and  
4 English 104, where you talk about getting divorced from the wife  
5 that you were forced to marry.

6 Now, my question to you sir, is a very simple one: Do you recall  
7 the year when you got divorced from that wife?

8 [14.52.04]

9 MR. EM OUEN:

10 A. I do recall the date when we got divorced. Actually, I got  
11 divorced in 2002.

12 Q. Thank you. Now, if we could look at D22/3963, which is the  
13 statement that you wrote out, in your own handwriting to the  
14 Documentation Center, Khmer page -- pages 00573981 to 82, I  
15 believe; English, 00751868; and French, 00766187. It's on page 8  
16 in the English version.

17 And this is what you wrote when you were providing the  
18 information to DC-Cam when you asked them to help you with your  
19 application to which you told us you were serious about: "Upon  
20 returning to my village, the Angkar was arranging my marriage  
21 with my current wife."

22 Now, it would appear that when you wrote this out, it's 2010. No,  
23 I'm sorry, it says "supplemental" here; it might have been  
24 January 29, 2012.

25 So, were you being honest and truthful and accurate when you

1 wrote out that it was the current wife that you had been forced  
2 to marry? In other words, you didn't get a divorce or at least  
3 you weren't aware that you had gotten a divorce when you wrote  
4 this thing out?

5 [14.54.45]

6 A. Lawyer, I got divorced with my first wife in 2002 and then I  
7 married another wife. I did not want to dwell on this personal  
8 matter. I simply mentioned that I had my first wife and the  
9 second wife, but in my statement earlier to your question, I did  
10 not distinguish between the first and the second wife.

11 Q. All right. So, when you put down here "my current wife", that  
12 was a false statement? It certainly wasn't accurate.

13 A. If you consider it a false statement I do not check against  
14 this statement. Of course, at that time, I made an error in  
15 writing it.

16 Q. Thank you.

17 Now, let's switch topics. And this is my last topic and I will go  
18 very gently on this, but nonetheless I'm compelled to ask  
19 questions -- and this is in regards to your father.

20 [14.56.16]

21 You state in D22/3963 -- and its Khmer page 00573974 to 75;

22 French, 00786184; English, 00751866 -- you say that:

23 "In 1974, my father, Ouch Saem was arrested by So Phim, chief of  
24 the East Zone, under the pretext of being called for a study.

25 Since then he has disappeared. At the time, he was the Sector 20

77

1 Committee. He was on the Sector 20 Committee. Only up to 1975 did  
2 I know that he had been taken to be killed when he was invited  
3 for the study."

4 And then you mention others who were present who were also taken,  
5 but survived and you name them, Mao Cheang, Mr. Sim Ka, and then  
6 Mr. Khieu Saron and others. So the year that you put down here is  
7 1974.

8 Now, if we could go to document D22/3963 – at, Khmer, 00573986 to  
9 87; French, 00786192 to 93; English, 00751872 -- and this is  
10 supplemental information that was added -- you state:

11 "Approximately, in early 1977, my father was summoned by the  
12 Angkar to undertake study at the Centre and 'So Phim was the man  
13 who summoned him', and he has disappeared since then."

14 [14.59.06]

15 Do you see the difference between '74 and '77? Do you see the  
16 difference, sir?

17 A. Here I stated that I provided the information to people who  
18 assisted me; people from DC Cam who brought the document to me  
19 for giving thumbprint. I did not have time to review these  
20 thoroughly. The '77 would not be the correct one. I prefer the  
21 other statement which says 1974. I think the story is still the  
22 same; the problem is that the date was not correctly input.

23 Q. All right. Let me make sure I understand it. You're saying  
24 that your father was taken away in 1974; that is what you -- that  
25 is based on your recollection and knowledge?



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1 A. I think I need to elaborate on this to clear some doubt. I  
2 believe that the documents are here before us and at that time, I  
3 stated that my mother died after she saw her husband was taken  
4 away. So, I just stated that my mother died after she witnessed  
5 my father being taken away. So, I did not state that my mother  
6 died in any particular year. So, it is true that my mother died  
7 after my father was taken away.

8 [15.01.56]

9 So, I believe that the date was not specified in my statement so  
10 it was not correctly put. But again, the veracity of the story is  
11 still there; it's still true that that was the event and I had a  
12 mistake for not paying great attention to verify the date when it  
13 was written.

14 Q. All right. Well, let me go back -- and, again, I apologize for  
15 having to dwell on this, but both these documents, the first one  
16 which was of 29 January 2012, which was to DC-Cam, D22/3963 -- at  
17 Khmer pages 00573974 to 75; French, 00766184; English, 00751866  
18 -- where you say -- the first document where you say "1974". You  
19 wrote that out. That was in your handwriting.

20 [15.03.15]

21 A. I think I need to be more precise here before I will be put  
22 more questions on this. The dates were not really properly put  
23 and I have problem remembering the exact date and I apologize for  
24 this.

25 MR. PRESIDENT:

1 Thank you, Counsel, and thank you, Mr. Civil Party.

2 We should now observe a brief adjournment before we could resume.

3 We adjourn for 15 minutes.

4 Court officer is now instructed to assist the civil party during  
5 the break.

6 (Court recesses from 1504H to 1521H)

7 MR. PRESIDENT:

8 Please be seated. The Chamber is now back in session.

9 Before we proceed to counsel for Mr. Ieng Sary to pose further  
10 questions to this civil party, the Chamber would like counsel for  
11 Mr. Ieng Sary at the same time to tell the Chamber how much time  
12 counsel would need to put questions to the civil party and how  
13 has time been shared with counsels for Mr. Khieu Samphan, because  
14 we only have just a quarter of the day for tomorrow's session for  
15 this testimony, including the moment when civil party is given an  
16 opportunity to express his emotion and suffering and claims.

17 [15.22.36]

18 MR. KARNAVAS:

19 Thank you, Mr. President. I have approximately two to three  
20 minutes, five at the most -- five more minutes. Thank you.

21 BY MR. KARNAVAS:

22 Q. Sir, if we could go now to -- sticking with the same topic --  
23 the date when your father was taken away. If we can look at  
24 D230/2/4.2.277a -- and this is what was attached to your  
25 application on 25 January 2010, and you state the following

1 there:

2 [15.23.30]

3 "During the regime, my parents, who were on Sector 20 (Prey Veng  
4 province) committee, were taken to be allegedly killed for being  
5 against the Communists in Kaoh Khcheay, Cheach sub-district,  
6 Kamchay Mear district, Prey Veng (Sector 20) in late 1975."

7 And my apologies for my poor pronunciation.

8 But here we have a date of late 1975, so we have 1974, we have  
9 late 1975, we have 1977 for the date when your father was taken  
10 away and allegedly killed.

11 So can you please tell us, of the three dates -- you said,  
12 before, it was '74 -- are you sure it was '74, and not late '75?

13 MR. EM OEUN:

14 A. It is sure that it was in 1974.

15 Q. Then, may I ask, why did you have late '75 and then 1977 also  
16 as those dates? Why were you being inconsistent in placing the  
17 date of your father's disappearance?

18 A. I already stated before that I did not say that my father was  
19 executed, he just disappeared in 1974, and immediately after that  
20 in 1974 my mother also died and she died because she saw my  
21 father being taken away. And I remember the date because it was  
22 the time when my mother passed away, and I apologize for being so  
23 inconsistent in the dates. And I believe that everyone in  
24 Cambodia would also experience the same problem in those days --  
25 that our memory at some point is deteriorating.

1 [15.26.35]

2 Q. Now, you also mentioned that they are others that were taken  
3 away, and we mentioned some of them, that was Mr. Mao Cheang, a  
4 Mr. Sim Ka, a Mr. Khieu Saron, and some others.

5 How do you know that they were taken away at the same time as  
6 your father and do you know the reasons why they were taken away  
7 and spared?

8 A. I didn't say that Khieu Saron, Mao Cheang, Mr. Sim Ka were  
9 being taken for execution. It is true that people who knew that  
10 my father had been taken away were these three individuals.  
11 Mr. Khieu Saron was my father's nephew when Mr. Cheang Mao was  
12 his workmate, and Mr. Sim Ka was in charge of the messenger  
13 section at Sector 20. And that's why I said that these three  
14 individuals were those who could support the idea that my father  
15 was actually taken away, and I just wish to be proven that -- my  
16 statement to be proven by these individuals that the statement I  
17 make is true.

18 [15.28.40]

19 Mr. Sim Ka is in Phnom Penh now, and Mao Cheang in Kampong Cham,  
20 and another person, Khieu Saron, is with me in the same village  
21 now.

22 MR. KARNAVAS:

23 Mr. President, I have no further questions.

24 Sir, on behalf of Mr. Ieng Sary, Mr. Ang Udom and I would like to  
25 thank you for coming here to give your evidence and we wish you

1 good luck and safe travels. Thank you for appearing here.

2 MR. PRESIDENT:

3 Thank you, Counsel.

4 We would like to now hand over to counsels for Mr. Khieu Samphan  
5 to pose questions to the civil party.

6 [15.29.30]

7 QUESTIONING BY MS. GUISSÉ:

8 Thank you, Mr. President. And good afternoon, Mr. Em Oeun. My  
9 name is Anta Guissé, and I am the Co-International Lawyer for Mr.  
10 Khieu Samphan and I have a few questions to put to you. Some of  
11 these issues have already been covered by my colleagues, but  
12 there are one or two factual points that I do want to ask you to  
13 tell us about. I know that all of this goes a long way back and  
14 that it's certainly not easy to recollect precise dates. However,  
15 sometimes it's easier to refer directly to events, and I'd like  
16 if we can together to try and see if we can focus on the events  
17 and from them get a more precise idea of your narrative.

18 Q. And the first point that I will begin on -- in your statement  
19 in the hearing here, you said that, when you were about 10, you  
20 went to live with your great-uncle in Phnom Penh. And when he  
21 heard the rumblings of war and felt that the security situation  
22 was not good, he sent you to your parents in Sector 20.

23 [15.31.10]

24 And so my question to you is: When you went to Sector 20 after  
25 staying with your doctor uncle, was that after or before the Lon

1 Nol coup d'état?

2 MR. EM OEUN:

3 A. I was there before the coup d'état.

4 Q. Thank you.

5 With my colleague, Counsel Karnavas, you talked about a second  
6 major point which was the date when your father disappeared, and  
7 today in the Chamber you confirm that this was in 1974; is that  
8 correct?

9 A. Yes, that is correct; it was in 1974.

10 [15.32.37]

11 Q. Very good. So, if we take that point and if I quote what you  
12 said to the hearing on the 23rd of August -- it was seven seconds  
13 after midday -- and you were talking about your stay in Vietnam,  
14 and then you said that after you had left Vietnam: "My father, So  
15 Phim and Ta Khoem asked me to be the sector doctor. I seem to  
16 recall that I was aged somewhere between 20 and 23."

17 So, if -- I'm working around the date of the disappearance of  
18 your father and if your father was party to this decision for you  
19 to work as a doctor, then I think we can agree that you must have  
20 worked in Sector 20 before 1974. Do we agree on that basic fact?

21 A. I stated earlier that I do not recall the exact date, but it  
22 was after I returned from training in Phnom Penh, then my father  
23 sent me for a continued education in Vietnam. And if it was in  
24 1974, then that could have been the date.

25 Q. Thank you.

1 A third basic date that I want to establish with you is the date  
2 of your wedding.

3 [15.34.44]

4 In this courtroom, on the 23rd of August 2012, slightly after 4  
5 o'clock -- 4.04 to 4.08 -- you said that it was a 17 of April,  
6 and you said that: "I chose the 17th of April as the date of my  
7 wedding because my family attended my wedding and without their  
8 support and their presence when I got married, I would have  
9 refused to get married."

10 Now, please correct me if I'm wrong, but I seem to understand  
11 that the 17th of April was a date when your family could be with  
12 you because it was a public holiday to commemorate the victory of  
13 the 17th of April 1975. Am I correct in making this  
14 interpretation of your testimony?

15 A. This was -- according to my recollection, it was on the 17th,  
16 but I dare not say which year exactly it was, but it may have  
17 been on 17 April.

18 [15.36.20]

19 Q. Thank you. On the same page of the draft transcript, after  
20 1600H, you said: "I really did get married. Was it the 17 April  
21 1977 or 1978? I'm not entirely sure, but I got married in one of  
22 those two years."

23 That's what you said in the courtroom. And so I'd like to come  
24 back to one or two of your previous statements and I'd like to  
25 begin with the information form, Victim Information Form, which

1 is D22/3963.

2 Now, if I understood what you were saying today to my learned  
3 colleague, this is a document that you wrote down yourself by  
4 your own hand, and what you say therein about your wedding is as  
5 follows. The French ERN for this is 00786287; in English,  
6 00751868; and in Khmer, it's 00573980. And the paragraph that I  
7 want to quote to you is the one where you talk about your  
8 wedding. And in the French version, at least, it's the fourth  
9 paragraph from the bottom, and what you say is that your training  
10 in Phnom Penh came to an end -- and I quote:

11 [15.39.00]

12 "I was elated when the training ended a month later. Upon  
13 returning to my village, the Angkar was arranging my marriage  
14 with my current wife. At the time I dared to protest the marriage  
15 arrangement. Due to my protest, they sent me to work on a farm  
16 for three months."

17 And then, just to jump a couple of sentences, you then go on to  
18 say that they brought you back again. There were many wounded  
19 people in your sector and you subsequently agreed with the  
20 Angkar, and it was on the 17 April 1977 during the Khmer New Year  
21 the marriage of three couples was organized. And that's what you  
22 tell us in D22/3963.

23 Is that adequate to refresh your memory, sir?

24 [15.40.09]

25 A. Yes that was the summary of what I stated, and I also recall



1 that that date was actually the date I was referring to.

2 Q. Thank you.

3 If I can turn now to a different document, D230/2/4.2.277a, the  
4 ERN in French is 00822271; in English, 00777625; and in Khmer,  
5 00508426. And in the French version it's the last paragraph. And  
6 you say: "In early 1977, I was made a cadre in Sector 20 hospital  
7 and was forced to get married to a fellow cadre along with three  
8 other couples."

9 So, once again, Mr. Em Oeun, does this refresh your memory, and  
10 do we agree that in both of these statements you refer to your  
11 wedding in 1977?

12 A. Yes, I do.

13 Q. Good. Well, that means that we do have a precise frame of  
14 reference here. In other words, you got married after your  
15 training in Phnom Penh in the Khmer-Soviet Hospital. I think we  
16 agree now on the sequence of events, do we not?

17 [15.42.51]

18 A. Yes, that is correct.

19 Q. Thank you. We can make headway on that basis.

20 Now, today, answering my colleague from the Nuon Chea team,  
21 Counsel Pauw, you quoted your arrival in Phnom Penh in order to  
22 study at the Khmer-Soviet Hospital as being in July 1976; am I  
23 correct?

24 A. That is correct.

25 Q. Thank you. And if I correctly understand what you have told my

1 colleagues of the civil parties and to my Defence colleagues  
2 today, this training session that you underwent in Phnom Penh  
3 which was meant to last one year, in fact, only lasted for nine  
4 months and -- because there were problems in your zone and you  
5 were needed in the hospital in Sector 20; is that correct?

6 [15.44.22]

7 A. Yes.

8 Q. Thank you. So just to keep this framework of dates, you are  
9 therefore in Phnom Penh from July 1976 and for nine months, and  
10 then you go back to your sector; is that correct?

11 A. Yes, that's correct.

12 MR. PRESIDENT:

13 Witness (sic), please be mindful of the fact that we have to  
14 refrain from putting any leading questions to the witness because  
15 the last couple of questions are rather suggestive.

16 So counsel is advised to avoid any leading question. Otherwise,  
17 this is not to be granted.

18 MS. GUISSÉ:

19 Mr. President, if I could answer you on that, they were not  
20 leading questions; I was trying to just see with the witness what  
21 he had stated in his previous declaration so that the chronology  
22 of things could be clear. And I believe that in these past days  
23 we have talked about quite a few events but without having a very  
24 precise chronology, and my aim was to make things clear so that  
25 Em Oeun could look at his previous statements and so as to have a

1 clear framework of reference.

2 [15.46.20]

3 So I wasn't really trying to lead the witness, Mr. President; I  
4 was just trying to seek clarity on the prior events.

5 MR. PRESIDENT:

6 Because the questions that you have put to the witness was rather  
7 confusing because in 1976 he attended a political training  
8 session in Borei Keila; it was not the date when he came to work  
9 in Phnom Penh. Actually, he came to work in Phnom Penh in June  
10 1975.

11 And if you ask the question that elicit the yes or no answer from  
12 the witness, the witness tend to be confused. That's why I alert  
13 you of the questions to be put so as to avoid any leading  
14 questions to the witness.

15 BY MS. GUISSÉ:

16 Thank you. I think the best way is to have the civil party make  
17 things clear himself.

18 [15.47.39]

19 Q. Mr. Em Oeun, in yesterday's hearing, when you were answering  
20 the Co-Prosecutor, who was asking you about the education session  
21 in Borei Keila, you were asked if you knew what the duties of  
22 Khieu Samphan and Nuon Chea were. And yesterday you said that you  
23 knew what their functions were. You said that Khieu Samphan was  
24 President of the State Presidium and that Nuon Chea was President  
25 of the Kampuchea Assembly of Representatives of the People.

1 Now, Mr. Em Oeun, what I want to know is if those functions were  
2 explained to you by So Phim before you came to do that training  
3 in Phnom Penh at the Khmer-Soviet Hospital.

4 MR. EM OEUN:

5 A. I knew about their roles from Mr. So Phim and my father, and I  
6 learned from them about the roles of Mr. Khieu Samphan and Mr.  
7 Nuon Chea. So I actually learned it from others. I only heard  
8 their voice as well as the words of mouths other people, but I  
9 never met them in person. I only encounter with them when I came  
10 to work in the hospital and I was attending the training session.

11 [15.49.52]

12 MS. GUISSÉ:

13 Mr. President, if you will grant me leave, I would like to show  
14 document E3 -- an E3 document to the civil party. I don't believe  
15 that Mr. Em Oeun has seen the document yet. It's an E3 document,  
16 E3/165, entitled "Document Relating to the First Congress of the  
17 First Legislature of the Assembly of Peoples of Kampuchea" dating  
18 to 1976.

19 And I would like, if I may, to show an extract from that document  
20 in which the respective positions of Mr. Nuon Chea and Mr. Khieu  
21 Samphan are awarded to them. Do I have your permission, Mr.

22 President?

23 MR. PRESIDENT:

24 You may proceed.

25 BY MS. GUISSÉ:

1 The first page I want to show Mr. Em Oeun has the French ERN  
2 00301353; in Khmer, it's 00053632 and onto the next page; and in  
3 English, it's 00184066.

4 [15.51.59]

5 Q. Mr. Em Oeun, do you have the document and the right page  
6 before you on the screen? In that case, I'd like to read an  
7 extract from that document to you which, as I said, is about the  
8 First Congress of the First Legislature of the Assembly of  
9 Representatives of the People of Kampuchea, and you say that Mr.  
10 So Phim and your father talked about Khieu Samphan and Nuon  
11 Chea's duties and functions.

12 And apparently, during this legislative period -- in the fourth  
13 paragraph in French -- it says that at the same time the  
14 Representatives of the Assembly of the People of Kampuchea were  
15 appointed and also the members of the different committees: "And  
16 the Standing Committee of the Assembly of the Representatives of  
17 People of Kampuchea is composed as follows."

18 Perhaps I'm going too fast.

19 MR. PRESIDENT:

20 Counsel, can you please repeat the document numbers and the  
21 relevant ERN numbers so that it is clear for the record?

22 [15.53.28]

23 MS. GUISSÉ:

24 Yes, with pleasure, Mr. President. Let me begin with Khmer,  
25 00053632 and I believe it goes onto the next page as well; in

1 French, on page 20 of the document, ERN 00301353; and in English,  
2 00184066.

3 Q. Mr. Em Oeun, this is what the document says:

4 "At the same time, the Assembly chose the composition of the  
5 Standing Committee of the People's Representative Assembly of  
6 Kampuchea and the composition of various commissions of the  
7 Assembly as well. The Standing Committee of the People's  
8 Representative Assembly of Kampuchea has the following  
9 composition:

10 "1. Comrade Nuon Chea, Chairman..." And that is where I will stop  
11 for the moment.

12 [15.54.58]

13 But if you go over the page -- French ERN 00301354; in Khmer,  
14 00053634; and in English, 00184068 -- in number 5, it refers to  
15 the nomination to the State Presidium:

16 "After careful and detailed discussion of their various qualities  
17 in every aspect, the Assembly approves the selection and  
18 appointment of the Presidium of State of Democratic Kampuchea  
19 with the following composition:

20 "1. Comrade Khieu Samphan, Chairman.

21 "2. Comrade So Phim, First Deputy Chairman..."

22 And once Mr. Em Oeun has appraised himself of these facts, I'd  
23 like him to look at page 1 of E3/165, and the date of the  
24 document is 11-13 April 1976. And so my question to the civil  
25 party is as follows: If the appointment of Mr. Nuon Chea and Mr.

1 Khieu Samphan dates back to the 11-13 April 1976, then it seems  
2 to me to be difficult for your father, who died in 1974, to have  
3 spoken to you about the duties and functions of Khieu Samphan and  
4 Nuon Chea; could you please enlighten us on this?

5 [15.57.20]

6 MR. EM OEUN:

7 A. I know there were some controversial facts there, and the  
8 truth was that my father did tell me about that. I don't know --  
9 I cannot recall whether or not he told me when he was alive well  
10 before the appointments, but I remember that he was the one who  
11 told me before the appointment because he was an official at that  
12 time and he commuted to Phnom Penh back-and-forth very often at  
13 that time. And he talked to me about the work of the Khmer Rouge  
14 and he understood the internal working structure over there as  
15 well. And when they sent me to Phnom Penh to attend the training,  
16 it was according to him as well. Probably my statement was not  
17 clear, but that was the truth I could tell the Court.

18 [15.58.38]

19 Q. What, exactly, did your father tell you before 1974, when he  
20 passed away, on the subject of Khieu Samphan and Nuon Chea? Did  
21 he talk to you about these titles that you mentioned to the  
22 Co-Prosecutor -- in other words, President of the State Presidium  
23 for Mr. Khieu Samphan and Chairman of the Assembly of  
24 Representatives of the People for Mr. Nuon Chea; did he talk  
25 about these things with you?

1 A. I have made statements so far, but I can only recall certain  
2 facts which I indicated in the statements, and I can only  
3 enlighten you where I can recall.

4 Q. All right. So, if I understand you correctly, when you  
5 answered in the hearing yesterday to the Co-Prosecutor that you  
6 understood the duties and functions of Mr. Khieu Samphan and Mr.  
7 Nuon Chea when you saw them in Borei Keila, does that mean, in  
8 fact, that you got it wrong and that your memory is somewhat  
9 faulty or simply that it's just not true?

10 [16.00.23]

11 A. I did not make a mistake yesterday. The content of the  
12 statement was correct. I made -- I may have made some mistakes in  
13 the dates.

14 Q. Very well, I suppose I'll just have to accept that answer.

15 MS. GUISSÉ:

16 Mr. President, I see that the hour reads 4 p.m. I do have another  
17 line of questioning. However, is this an appropriate time to  
18 adjourn, or shall I continue?

19 MR. PRESIDENT:

20 Thank you, Counsel.

21 Indeed, it is an appropriate moment for the adjournment of the  
22 day. The next session will be resumed tomorrow, at 9 a.m.

23 [16.01.24]

24 For tomorrow's sessions, the Chamber continues to hear the  
25 testimony of the civil party. Questions continue to be put by Mr.



1 Khieu Samphan's counsel.

2 Mr. Em Oeun, your testimony is not yet complete and the Chamber  
3 wishes to hear your testimony tomorrow as well.

4 Court officer is now instructed to assist Mr. Witness -- rather,  
5 civil party during the adjournment. And make sure that TCW-480 is  
6 ready in case the Chamber has completed the testimony of the  
7 civil party early, then we would proceed to hear the testimony of  
8 TCW-480.

9 Security personnel are now instructed to bring all the three  
10 accused persons to the detention facility and have them returned  
11 to the courtroom by 9 a.m. tomorrow.

12 The Court is adjourned.

13 THE GREFFIER:

14 (No interpretation)

15 (Court adjourns at 1602H)

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