



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

5 June 2015  
Trial Day 292

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
LIV Sovanna  
SON Arun  
Anta GUISSSE  
KONG Sam Onn

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EM Hoy  
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Marie GUIRAUD  
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For the Office of the Co-Prosecutors:  
Dale LYSAK  
SENG Leang  
SENG Bunkheang

For Court Management Section:  
UCH Arun

I N D E X

Ms. SOU Soeurn (2-TCW-887)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LYSAK	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Ms. SOU Soeurn (2-TCW-887)	Khmer

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remaining testimony of  
6 witness Sou Soeurn. And before the Chamber hands the floor to the  
7 Defence teams, the Chamber hands the floor to the Defence Counsel  
8 for Nuon Chea to make an oral submission regarding the document  
9 submitted by the Co-Prosecutor yesterday as well as the appeal  
10 brief against the Judgement in Case 002/01. And before I hand the  
11 floor to the Defence Counsel for Nuon Chea, Mr. Em Hoy, please  
12 report the attendance of the Parties and other individuals at  
13 today's proceedings.

14 THE GREFFIER:

15 Mr. President, for today's proceedings all Parties to this case  
16 are present. Mr. Nuon Chea is present at the holding cell  
17 downstairs. He has waived his right to be present in the  
18 courtroom; his waiver has been delivered to the Greffier.

19 The witness who is to continue his testimony today that is Madam  
20 Sou Soeurn is present and ready in the courtroom. Thank you.

21 [09.04.29]

22 MR. PRESIDENT:

23 Thank you. The Chamber now decides on the request by Nuon Chea.

24 The Chamber has received a waiver from Nuon Chea, dated 5th June  
25 2015, which notes that due to health condition -- that is,

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1 backache and headache, he cannot sit or concentrate for long and  
2 in order to concentrate -- to participate effectively in the  
3 future hearings, he requests to waive his direct presence on the  
4 5th June 2015 hearing. He advises that he has been advised by his  
5 counsel that in no way the waiver can be construed as a waiver of  
6 his rights to be tried fairly or to challenge evidence presented  
7 or admitted at any time during his trial. Having seen the medical  
8 report of Nuon Chea by the duty doctor for the Accused at the  
9 ECCC, dated 5th June 2015, who notes that Nuon Chea has chronic  
10 back pain and headache and cannot sit for long and recommends  
11 that the Chamber so grant him his request so that he can follow  
12 the proceedings from the holding cell downstairs remotely. Based  
13 on the above information and pursuant to Rule 81.5 of the ECCC  
14 Internal Rules, the Chamber grants Nuon Chea's his request to  
15 follow the proceedings remotely from a holding cell downstairs  
16 via an audio-visual means.

17 [09.06.11]

18 The AV unit personnel are instructed to link the proceedings to  
19 the room downstairs so that Nuon Chea can follow it remotely,  
20 that applies for the whole day.

21 The Chamber would also like to inform the Parties that for  
22 today's proceedings <>, Judge You Ottara, who is a National Judge  
23 is absent due to personal matters and after having deliberated  
24 amongst the Judges of the Trial Chamber, Judge Thou Mony, is  
25 appointed to replace Judge You Ottara today and that decision is

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1 based on Rule 79.4 of the ECCC Internal Rules.

2 The Chamber now hands the floor to Defence Counsel Koppe to make  
3 his oral submission in relation to your request yesterday  
4 concerning the process of document submissions as well as matters  
5 related to the appeal brief of the judgement in Case 002/01.  
6 Counsel, you have the floor.

7 [09.08.08]

8 MR. KOPPE:

9 Thank you, Mr. President. Good morning, Your Honours. Good  
10 morning, Counsel. The day before yesterday we were notified by  
11 the International Co-Prosecutor of another disclosure of new  
12 statements, statements coming from Case 003. For background  
13 purposes it might be worthwhile to remind the Chamber that up  
14 until now we have received 436 written records of interviews from  
15 Cases 003 and 004, numbering up to 6397 pages in English, and  
16 these were all disclosed in the last five or six months, and when  
17 we were notified of new documents coming from Case 003, another  
18 1000 pages coming from 89 written records of investigation, will  
19 be added to our case file bringing a total, I think, new pages  
20 about 7400 total. So again we are confronted with a huge amount  
21 of new evidence rising from Cases 003 and 004. As of yet we have  
22 not received any of those statements itself, we only have an  
23 overview of what is coming soon to us. When we had a look at this  
24 brief overview, we noticed that at least two written records of  
25 interviews were related to Kampong Chhang airport -- that is,

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1 document E319/23.3.1, it's a written record from a civil party  
2 from 6 April 2012, and we also saw a document which is called  
3 E319/23.3.57, a written record of an interview of a witness from  
4 22 May 2014, also relating to the Kampong Chhnang Airport  
5 construction site.

6 [09.11.00]

7 In addition, we noticed that almost all new WRIs are related to  
8 purges in the East Zone and as it's reference in the closing  
9 order soldiers working at the Kampong Chhnang Airport were mostly  
10 coming from the East Zone troops, revolutionary troops in the  
11 East Zone, so it seems that these new WRIs might be relevant to  
12 Kampong Chhnang Airport as well.

13 In addition some of them seem to be speaking about military  
14 structure within the Revolutionary Army of Kampuchea, so also for  
15 this reason these 89 documents that have now been disclosed and  
16 that we will soon read seem to be very relevant for Kampong  
17 Chhnang Airport.

18 [09.12.03]

19 Now of course as in earlier instances this raises the question  
20 whether we are in fact ready to start hearing evidence on Kampong  
21 Chhnang Airport. I'll be very happy to hear from the Prosecutor  
22 if our concerns are valid and that a lot of new evidence coming  
23 from Cases 003 and 004 have direct impact on the Kampong Chhnang  
24 Airport worksite. In any case at this point, we have just been  
25 notified that these disclosures are coming but we haven't

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1 actually received it and I think it would be in the interest of  
2 all Parties including the Bench to be able to have at least a  
3 prima facia look at these documents before we start on Monday,  
4 hearing the first witness in relation to the Kampong Chhnang  
5 Airport.

6 As of now I don't address the question whether it is even  
7 physically possible to read 1000 pages in the next 48 hours  
8 before we start, I won't touch that subject right now. I'm just  
9 waiting for making any submissions when we hear from the  
10 Prosecution as to the relevance of these new documents for  
11 Kampong Chhnang Airport.

12 [09.13.34]

13 So, there's all kinds of new questions arising from this latest  
14 disclosure and I would like to have answers from the Prosecution  
15 as to relevance of these documents. That's my first point.

16 My second point is the scheduling of the Kampong Chhnang Airport  
17 site witnesses; we have noticed that it is anticipated to have  
18 eight and a half working days of testimony. We might have also  
19 this month, some additional witnesses coming back to testify in  
20 relation to the 1st January Dam worksite. However, a few days  
21 might be left over before we're entering into the December  
22 recess. But I'm sure the Trial Chamber is aware that two weeks of  
23 the judicial recess have been taken by the Supreme Court Chamber  
24 and in its recent decision it has announced that it will summons  
25 three witnesses to appear before the Supreme Court Chamber. As



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1 you might understand the Defence needs to prepare these three  
2 witnesses well, these are three witnesses that we have requested.  
3 So I want to make sure that if there are few remaining days left  
4 in the end -- the last of June, we will not addressing the  
5 Trapeang Thma Dam before the recess and that we will be granted a  
6 few days extra in order to enable us to prepare our -- the  
7 testimony that is coming at the Supreme Court Chamber.

8 [09.15.31]

9 So the second question is related to, sort of, planning from the  
10 Trial Chamber in respect of the last week of June and I would  
11 like to make this point now rather than wait until the very last  
12 moment. So these are the two issues, very problematic situation  
13 with new disclosures and what are we going to do in the last week  
14 of June in terms of moving on to a possible next worksite. These  
15 are my two points.

16 MR. PRESIDENT:

17 And Defence Counsel for Khieu Samphan, you have the floor.

18 [09.16.17]

19 MS. GUISSÉ

20 Yes, thank you, Mr. President. Good morning to all of you. I  
21 think <> I should speak now before the International  
22 Co-Prosecutor <makes his remarks>. Of course <just like> what  
23 happened when we <were supposed to> speak about Krang Ta Chan and  
24 that there were <several> new documents, it is obvious that  
25 regardless of the information that the Co-Prosecutor will give to

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1 us, we cannot tell you exactly how much time we will need to  
2 study these documents, because we haven't seen them <at all>. We  
3 only have <seen advance> summaries of <what> these new statements  
4 <should entail>. So we note, just like my colleague <from> the  
5 Nuon Chea team, that <there are indeed two> witnesses from  
6 Kampong Chhnang, and <that> there are at least <-- and that's an  
7 initial assessment based on the summaries that were given to us  
8 --> 51 witnesses who have <a priori> testified <on the> purges,  
9 <they gave> important elements with regard to the composition of  
10 the army. And we know that of course all of this is a very  
11 important element for the Kampong Chhnang <> site. So, under  
12 these conditions therefore it is obvious that starting the  
13 Kampong Chhnang Airport segment without us having the possibility  
14 of <reviewing -- of> reading the totality of these statements is  
15 going to be an issue for the preparation of our Defence. So, I'm  
16 awaiting the information that will be given to me by the  
17 International Co-Prosecutor, but as of now, if the segment is  
18 <supposed> to begin on Monday <anyway>, since we do not have the  
19 documents before us we indeed have a real problem <-- a real  
20 problem> in terms of organisation.

21 [09.18.05]

22 With regard to the second point, which is the preparation of the  
23 appeal hearings and what you <are going to consider, depending on  
24 the possibility of recalling> witnesses for the end of <the  
25 segment on the> 1st January Dam, our concerns <remain> the same,

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1 we also have to be prepared for this. So I'm awaiting information  
2 from the Co-Prosecutor with regard to Kampong Chhnang, but it is  
3 true that a few days of preparation <for> an important Supreme  
4 Court hearing seems to be <the most appropriate way for us to>  
5 provide a full and complete Defence to Mr. Khieu Samphan.

6 MR. PRESIDENT:

7 The Chamber now hands the floor to the Deputy Co-Prosecutor. You  
8 may proceed.

9 [09.19.02]

10 MR. LYSAK:

11 Thank you, Mr. President. Let me try to respond to the various  
12 issues that have been raised. In fact there are only two of these  
13 new interviews that we have linked and identified as relevant to  
14 the Kampong Chhnang Airport. This was not a -- for reasons that  
15 -- one reason that's, two reasons that are fairly obvious, this  
16 was not a site of extensive investigation in Case 003, first  
17 because it had already been investigated as part of Case 002 and  
18 secondly, as was publicly announced yesterday, last year or the  
19 year before the secretary, the former secretary of Division 502,  
20 Sou Met, passed away and as a result any investigation of his  
21 crime sites came to an end at that point. So of all the Case 003  
22 and Case 004 interviews, and there are a total of 900 that have  
23 been done, there are only six interviews that we linked as  
24 relevant to Kampong Chhnang Airport four of those -- three of  
25 those were disclosed back in 2011, one earlier this year and the

1 last two are being disclosed as part of this filing. As I've said  
2 before, our request -- Mr. Koppe made reference to one of these  
3 being an old interview, that is true -- our request to disclose  
4 this interview however was made more than a year ago, it was  
5 initially denied and authorisation only came a couple of weeks  
6 ago. So there's not much more we could have done we, in addition  
7 to having requested disclosure a year ago, we identified these  
8 specifically as priority interviews for disclosure, we broke down  
9 our requests so that the Judges were aware of which interviews  
10 related to which segments.

11 [09.21.24]

12 I can't speak to, obviously, the reasons for the decisions made  
13 by the Investigating Judges, I can tell just from our  
14 interaction, they evaluate these on a case by case basis with the  
15 investigators to determine if there are particular concerns,  
16 whether people -- there are witnesses identified who are being  
17 the subject of further interviews. Beyond that I can't speak to  
18 the reasoning that goes behind this, what I can tell you is we  
19 immediately make requests for disclosure when we identify and as  
20 soon as authorisation is obtained, we do that. These two  
21 interviews, one of them is six pages long, the other one is ten  
22 pages long. They're very short interviews. The issue that Counsel  
23 has raised about getting copies, we've converted, my  
24 understanding is, to an electronic process that makes it easier  
25 in terms of hours of work time not having to copy but apparently

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1 it takes a couple of days for the documents to make its way  
2 through the electronic system. So what I will do is, when I sit  
3 down here after and when we start the witness, I will send an  
4 email to my office to see if we can get hard copies of the two  
5 interviews that relate to Kampong Chhnang so that they can be  
6 immediately provided to the Parties and the Chamber.

7 [09.22.59]

8 The issue relating to the East Zone, the East Zone was not a  
9 subject of investigation in Case 003, it doesn't mean there's not  
10 some tangential information in there, that's certainly possible,  
11 that's about all I can tell you is that the East Zone was not the  
12 subject -- the main subject of investigation which is public  
13 knowledge was Division 164, the navy operation, and that is  
14 obviously not to say that there might not be -- is not going to  
15 be military structure information in there, that's certainly  
16 true. I don't expect that that is different types of information,  
17 particularly in relation to Kampong Chhnang, than what is already  
18 exists.

19 [09.23.56]

20 The request relating to the Supreme Court Chamber, I don't think  
21 we have any issue with the suggestion that we do not start  
22 Trapeang Thma if we finish Kampong Chhnang early, I think that's  
23 a reasonable proposal. I don't think the amount of preparation  
24 time needed for these three witnesses is very extensive. One of  
25 them, without getting into identity, one of them is a person the

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1 Defence have regularly used his interview here so these are not  
2 people that the Defence are not already familiar with. But I  
3 think that's a reasonable suggestion that should we finish  
4 Kampong Chhnang a couple of days early that we wait until after  
5 the break start Trapeang Thma.

6 I think that's as much as I can say in response to the Defence  
7 issues, if you have any questions I'm happy to do my best.

8 [09.25.04]

9 JUDGE FENZ:

10 Just two questions, can you -- do you have any idea when the  
11 documents of the current disclosure will now, actually really hit  
12 the case file? I understand you will try to speed it up but are  
13 we talking three or four days or three or four weeks?

14 MR. LYSAK:

15 I'm not involved in those logistics but I -- but I asked. My  
16 understanding is that there's a two-step process in terms of them  
17 getting, and they'll be available in one folder, I'm told, on  
18 Monday, they will be available on Zylab on Tuesday, is what I was  
19 told. But, like I said with respect to the two that relate to  
20 Kampong Chhnang, I will immediately see if we can get those hard  
21 copies of those delivered before then.

22 JUDGE FENZ:

23 And my second question is, just in case you know, is there  
24 another disclosure in the pipe that will hit the case file, let's  
25 say, until the recess as far as you know?

12

1 [09.26.16]

2 MR. LYSAK:

3 I haven't been involved in this because I've been working on  
4 witnesses and other matters. I understand that there is another  
5 disclosure that's been authorised, it relates to Case 004  
6 interviews, so I don't -- my understanding is it wouldn't affect  
7 the current segment. The disclosure that has taken place is a  
8 disclosure from Case 003 so because of that there were these two  
9 Kampong Chhnang Airports and there is in general a lot of  
10 information related to Division 164 in particular. But the  
11 additional disclosure, and I don't have the numbers for you, but  
12 I'll try to find that to see, I don't think it is a large  
13 disclosure but please don't hold me to that. But there has been  
14 another one, it is Case 004 interviews though not Case 003.

15 [09.27.19]

16 MR. PRESIDENT:

17 The International Lead Co-Lawyer for civil parties, you have the  
18 floor.

19 MS. GUIRAUD:

20 Thank you, Mr. President. Good morning to all of you. I wanted to  
21 provide the point of view of the civil parties and say <once>  
22 again what I <have already> said at every discussion with regard  
23 to the <disclosure> of the documents. We have a specific position  
24 <in this trial> because we support the Prosecution, but we do so  
25 in an independent way, so we also need time to become <acquainted

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1 with> the documents, and we are exactly in the same position as  
2 the Defence with regard to this point because we only learnt  
3 yesterday <about> the <disclosure> of these documents and we  
4 <were> only <able to very quickly review> the list of 89  
5 documents. <What seems peculiar to us>, is that the annexes  
6 <were> sent to the Co-Lead Lawyers in a strictly confidential  
7 manner, so <at this stage,> I do not yet have the right to share  
8 this information with the Lawyers who normally are <supposed to  
9 be> there to help us <and support us> in defending the interest  
10 of the civil parties <during the hearings.>  
11 So we organised a <joint> defence for <the> Kampong Chhnang  
12 <segment>, the civil party Lawyers <were involved in> the  
13 preparation of the witnesses, but <as of> today I'm not able to  
14 share the information that is <contained> in this annex with the  
15 civil party Lawyers.  
16 So, it is <obviously also> necessary for us to become <acquainted  
17 with> the documents before we start the Kampong Chhnang segment.  
18 That's my <first> observation.  
19 My second observation <> regarding the proposal of my colleague  
20 to postpone <the examination of the> Trapeang Thma <segment> --  
21 if we can finish Kampong Chhnang before <the end of the last  
22 session in June> -- I have no problems with that, we in fact  
23 support this proposal.  
24 [09.29.35]  
25 MR. PRESIDENT:



14

1 The Chamber thanks all Parties regarding the disclosure of new  
2 documents from Cases 003 and 004 <in Cases 002/02>. The Chamber  
3 will take into account all your observations so that it is fair  
4 for the Defence to proceed with their representation of their  
5 clients and to have an expeditious trial proceeding.

6 JUDGE FENZ:

7 May I just aske, Mr. Koppe, after what you heard from the  
8 Prosecution would you care to change or be more precise as you  
9 actually said you would.

10 [09.30.27]

11 MR. KOPPE:

12 Yes, I'm very happy that you give me this opportunity. It's with  
13 great interest that I heard submissions of the Prosecution, he  
14 does not seem to reject our submission that within those other 87  
15 statement there might be some very relevant information regarding  
16 military structure and regarding purges of East Zone soldiers who  
17 then might have ended up in Kampong Chhnang Airport. I don't see  
18 -- we might get the two statements relevant, directly relevant to  
19 Kampong Chhnang Airport, but I don't see us getting the other 87  
20 statements. Having now realised this, I think the only reasonable  
21 and logical way to proceed is to give us at least two or three  
22 days next week to be able to study briefly those new 89  
23 statements and to postpone the first witness of the Kampong  
24 Chhnang Airport, till Wednesday or Thursday that seems to be the  
25 only reasonable way of proceeding otherwise we just go on with

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1 the first witness without having any knowledge of these very new  
2 statements.

3 [09.31.56]

4 Which brings me to a broader issue, I think it's the first time I  
5 heard that there are in total about 900 WRIs in Cases 003 and  
6 004. We are now having, with those new 89 statements, coming  
7 about 525 Case 003 and 004 WRIs, that leaves about, if my  
8 calculation is correct another 375 most likely coming our way. I  
9 see the Prosecution nod no. Well I'm very happy with that, but at  
10 least part of that is likely coming our way. I know also that  
11 Cases 003 and 004 have reached a new situation with the, how is  
12 it called, the charging of the four suspects, so maybe it is also  
13 time for the International Co-Investigating Judge to re-evaluate  
14 his position and just stop being so cautious with giving us the  
15 testimony from Cases 003 and 004. And the summer recess might be  
16 a natural moment to provide us with all remaining Cases 003 and  
17 004 statements because we'll end up having this discussion every  
18 single time we're having a new disclosure and it's getting quite  
19 tiring and almost impossible to have a proper defence for our  
20 client.

21 [09.33.46]

22 MS. GUISSÉ:

23 Once more, in <the interest of logic>, I think <it would be  
24 easier for us to> make our additional remarks, and we wish to  
25 just point out that if I understood the Co-Prosecutor clearly --

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1 <and> perhaps he can correct me if I'm wrong, <but if I  
2 understood what he just said,> we will have the possibility of  
3 consulting all the documents as of Tuesday, if they will be  
4 available on Zylab on Tuesday. If I understood him correctly. We  
5 need at least two or three days, and in that case I do not see  
6 how we can start the Kampong Chhnang segment <before -- not next  
7 week, but the week after. Not this coming Monday, but the  
8 following.> I would say <once more> that it is very complicated  
9 for us to talk about documents that we haven't been able to  
10 study, <not even partially. It's also clear that just because> we  
11 have only two statements that focus <specifically> on Kampong  
12 Chhnang Airport, <that does not mean that> the other documents  
13 are not relevant <to bring up the other elements and the  
14 witnesses. They are relevant> for <the> witnesses who are  
15 testifying on Kampong Chhnang. <So, just because> we have only  
16 two documents <that> specifically <discuss Kampong Chhang, that  
17 does not mean that> the other documents are related to military  
18 matters and <the> purges <> are not relevant to us the Defence.  
19 The Co-Prosecutor's position <may> be <just> that, they have more  
20 information than us <for the time being, seeing how they can  
21 access those documents,> so this is a remark I wanted to make:  
22 that although other documents may not be relevant to the  
23 Prosecutors, they may be relevant to us, the Defence.  
24 [09.35.39]  
25 MR. LYSAK:

1 Let me be brief, I want it to be perfectly clear. If there were  
2 interviews of soldiers of East Zone who had been purged and taken  
3 to Kampong Chhnang they would be linked to that crime site so the  
4 suggestion that because there may be other documents out there  
5 that relate to purges that this has to relate to Kampong Chhnang  
6 is simply incorrect. I'm not going to dispute that these  
7 interviews relate to military structure, of course they do. But  
8 as I said, the focus of these interviews is on Division 164, so  
9 it's your evaluation of the situation here. In terms of the  
10 comment about there being the possibility of a lot of additional  
11 disclosures, let me make sure that I'm clear, there have been  
12 approximately 900 interviews, in terms of the ones that have not  
13 been disclosed, the bulk of them have been evaluated and  
14 determined to be not relevant. There are continuing interviews of  
15 course the case is normally about 30 a month that we evaluate. So  
16 there will be more interviews as the investigations continue but  
17 in terms of -- in terms of the documents that interviews that  
18 have already been conducted, and I will check on the numbers on  
19 this too, but I believe with this last disclosure most of the  
20 interviews that we have requested to be disclosed have now been  
21 authorised. This last large group was from Case 003, again I'm  
22 making a somewhat of an educated guess here because I'm not from  
23 the Co-Investigating Judges offices, but there is definitely a  
24 connection to the charging that occurred and then the subsequent  
25 decision that it was appropriate to release those interviews. One

18

1 of the reasons that there -- my understanding, that there had not  
2 been disclosure of Case 003 interviews before that was because of  
3 particular concerns related to the on-going investigation of that  
4 division.

5 So to the extent that is helpful we have done our best to  
6 identify the ones related to Kampong Chhnang, the other  
7 interviews really do, for the most part focus on Division 164,  
8 that is not to say there may be some general information related  
9 to military structure. I'm not going to stand here and tell you  
10 that, that's not possible.

11 [09.38.45]

12 MR. PRESIDENT:

13 So we conclude the round of discussion on the matter now and I  
14 would like to give the floor to Judge Lavergne to put questions  
15 to this witness, you may now proceed.

16 QUESTIONING BY JUDGE LAVERGNE RESUMES:

17 Q. Thank you, Mr. President. Good morning, Madam Witness. I still  
18 have two questions to put to you. Yesterday you stated that while  
19 you were a member of the Chamkar Leu District committee, you gave  
20 birth to a child and that following the birth of that child, you  
21 were less involved in the affairs of the district. Can you tell  
22 us, Madam, whether you recall the date on which that child was  
23 born?

24 MS. SOU SOEURN:

25 A. My youngest child <> was born in the year of snake <. After

19

1 his birth, I> had been sick <all the> time, <therefore, I was not  
2 able to work>.

3 [09.40.33]

4 Q. So it was after your youngest child was born that you stopped  
5 <being> significantly <involved> in the affairs of the district,  
6 is that your testimony?

7 A. Yes, after I delivered that baby, I became ill so I <did> not  
8 work regularly in the district and in the base area, so I  
9 delegate my tasks to <district and Sangkat chief>. I stopped  
10 working for a period of two years perhaps in 1977 and 1978 and in  
11 1979 we parted each other.

12 Q. According to you, who was the head of the Chamkar Leu  
13 district?

14 A. From my recollection, Ta Ban was the chief. I remembered that  
15 he was the chief because we were close -- we were close and we  
16 were living nearby and I do not know about other cadres because  
17 we were separated after 1979.

18 [09.42.40]

19 Q. When you state that you stopped taking part in the activities  
20 of the district committee, did you stop getting involved in all  
21 activities or <did> you only reduce your activities? And it  
22 appears to me that the construction of the 1st January Dam  
23 <notably took place> in the year 1977. So did you go to the 1st  
24 January Dam worksite after the birth of your child?

25 A. I went to that place for visit. I went there to visit my

1 <husband> and I did not go to the 1st January Dam site. And when  
2 there was a meeting among district members, I would be <informed>  
3 what tasks which needed to be done.

4 Q. And what were those tasks; can you be a little more specific,  
5 Madam?

6 A. After I stopped working for a short period of time and I  
7 delegated my task to others I was living at home and I was  
8 helping the <cooperative> kitchen. And the tasks involving in the  
9 district were delegated to those in the district. And about the  
10 tasks that I was told of, they considered me a senior, I mean the  
11 district members considered me a senior, so I was only informed  
12 and reported on those tasks.

13 [09.45.19]

14 Q. And when reports were sent to you, did they tell you that  
15 everything <was going> well and that there <were> no problems?

16 A. They told me about those tasks and I was told that  
17 cooperatives <> were organised properly and I was no <longer>  
18 involved <in> the tasks after that time I was only <involved> in  
19 <a communal> kitchen <nearby my house, and I also did not go to  
20 the other cooperatives that located far away>. <The Chief of  
21 Sangkat> told <me that> the livelihood in the cooperative was  
22 decent, was good. <I was just friendly informed at that time.> I  
23 was no <longer> involved in instructing the district committee  
24 how to deal with people in the cooperatives, <for> the sector  
25 <had> told me to take rest during that <two year> period.

1 [09.46.39]

2 Q. In your statements, Madam, you stated that your functions in  
3 the district committee consisted of two tasks, the first one was  
4 to lead the people <from> the cooperative in order that they  
5 could build dykes and dig canals. You also stated that your role  
6 was to re-educate the inhabitants. This is what you stated when  
7 you were heard by the Co-Investigating Judges, document E3/5294,  
8 ERN in French, 00367812; Khmer ERN, 00348835; and <perhaps I will  
9 give you the> English ERN <shortly,> I don't have it before me  
10 <right now>.

11 Let me also point out that the following question was put to you;  
12 "What does <re-education> mean?" and you said the following;  
13 "After attending a meeting at the district level, regarding <the  
14 decision to> implement a plan<,> I gave <advice to the residents  
15 of the cooperative on the basis of> the plan adopted <to develop>  
16 the country."

17 Another question was <as> follows; "What did you do in the case  
18 of persons who didn't follow your advice?"<>; "When they didn't  
19 follow our advice, we would educate them once or twice, and if  
20 they continued not to comply with our advice, the district would  
21 take necessary measures. I do not know where they were taken to."  
22 So my first question is as follows: Do you confirm that education  
23 <or> re-education <was> part of your duties, Madam?

24 [09.48.57]

25 A. Before I delivered the baby I was working regularly with



1 people and for educating people. The district would be in charge  
2 of educating people <who were stubborn. It depended on the  
3 Secretary of the> district <who made the decision, for I was only  
4 a member.>

5 Q. What did you mean when you said that "the district took the  
6 people wherever it wished to", what <does that> mean <>?

7 A. I'm not sure on this particular matter. Sangkat would be the  
8 one who made the report that one individual had been reprimanded  
9 and advised, but that individual did not <improve, therefore,>  
10 the district had the right to remove that individual. It depended  
11 on the district, I have no idea, I did not have any idea at that  
12 time.

13 Q. Do you know whether, in order to <make its> decisions, the  
14 district took into account the biography of the persons  
15 concerned?

16 [09.51.03]

17 A. I cannot recall it because it has been so long since that  
18 time. I may have recalled some and my memory is perhaps is not  
19 100 percent correct and sometimes I am confused and perhaps I may  
20 have given wrong responses. I have a weak memory as I stated I do  
21 not recall well.

22 Q. To the best of your recollection, do you know how former  
23 soldiers or former <civil servants> who had worked during the Lon  
24 Nol regime <were viewed>? How were those people viewed?

25 A. I do not know about Lon Nol regime. I did not know how

1 soldiers were considered; it's far beyond my understanding. I do  
2 not know.

3 Q. Madam, I note that today and yesterday, you requested the  
4 assistance of <a person from> the TPO organisation. This  
5 organisation, as a general rule, is supposed to assist persons  
6 who are victims of <> psychological trauma and to provide them  
7 with <support>. May I know whether you are suffering from any  
8 psychological trauma and if <having> to talk about what happened  
9 during that period <is painful> for you and if so, why?

10 [09.53.43]

11 A. I feel traumatised. During that period everyone was in trauma,  
12 everyone was terrified. < I did not know how it happened.>

13 Q. Madam, you have just stated that "everyone was <terrified>".  
14 What <terrified> you? Who <were> you <scared of> and <what were  
15 you scared of>?

16 A. I was terrified of <artillery shelling>, aerial bombings,  
17 family parted each other, parents were separated from children.  
18 When we noticed the presence of <jet> bombers, we were afraid of  
19 those bombers; we would collect our children and flee so I was  
20 terrified because of this.

21 Q. Madam, today and yesterday we did not mention bombings, even  
22 once. <Were> you afraid of saying things or doing things that  
23 would not have pleased Angkar?

24 A. <No,> I have no such impression<, Mr. President>. I am telling  
25 the truth. I was terrified and afraid in that period because of

24

1 the bombings and we would be killed by those aerial bombings and  
2 as I said I <was> not afraid of the <"Chairman"> . I was <only>  
3 afraid of the bombings and <shelling>. So I'm telling the truth,  
4 I'm telling what I've remembered.

5 [09.56.43]

6 Q. Madam, <were> you afraid of asking questions? Yesterday you  
7 stated that under the Democratic Kampuchea regime, each person  
8 had to attend to their own business. So <were> you afraid of  
9 asking questions?

10 A. I do not really understand this question. You stated that  
11 whether I am afraid to talk actually I am only telling the truth.  
12 Why I recalled my terrors because of aerial bombings because it  
13 was the reality at that time, parents were separated from their  
14 children because of aerial bombings, we experienced <artillery  
15 shelling and> bombings. So I am only telling the truth and I will  
16 not tell anything which I do not recall it.

17 Q. Were there any bombings after 17th April 1975?

18 [09.58.33]

19 A. On the 17th April, there were only the rockets flying  
20 everywhere and we fled, we ran away from our homes <and children>  
21 when <the "Yvon" invaded Cambodia>.

22 Q. Are you sure it was 17th April 1975?

23 A. <17th April 1975? What I heard was 79.> In 1979, we ran away  
24 to avoid the rockets and there were two times I had to flee my  
25 home. <First, there was> coup d'état <in Phnom Penh. And second,

1 we had to flee our homes; we separated from our children to  
2 shelter along the border in 79.I was terrified> when there were  
3 rockets flying everywhere <chasing us>.

4 Q. When people would disappear, <Madam,> when <> the cadres  
5 around you would disappear, when Base People would disappear,  
6 when the people in the cooperatives would disappear, did you ask  
7 any questions about that? Did you dare ask any questions <> or  
8 were you afraid to ask questions?

9 [10.00.49]

10 A. On the issue of disappearance, if the task was assigned or the  
11 responsibility was assigned to someone else, I did not have any  
12 <rights to inquire. I was a common woman, a housekeeper, whereas  
13 all jobs> solely lied at the district.

14 Q. And this left you completely indifferent, <Madam>? To know  
15 that people would disappear, people who were <a priori> under  
16 your orders. Didn't you try to know what had happened to these  
17 people, didn't this matter to you?

18 A. Of course, it mattered to me but my authority was limited and  
19 I did not have any authority <in> the district; I also did not  
20 ask about it because I would be implicated. I should not mind  
21 others' business; they were the one who addressed it.> I was  
22 mindful<, and had to protect > my life for that reason I didn't  
23 ask anything.

24 Q. Madam, worrying about your life, taking care of your own  
25 business, would you call that cowardice or would you call that

1 the perfect line of conduct you were <instilled with>?

2 [10.02.47]

3 A. When I did not have the authority, I had to think of my life  
4 as an ordinary woman, and I have to live amongst the villagers.

5 <And> as I said I had no authority to question them.

6 Q. According to you, <Madam, was there something>, in Democratic  
7 Kampuchea <that did not work,> and if that is case, what <was it  
8 that> didn't work well <>?

9 A. Personally from my experience I do not know how to respond to  
10 your question. Of course I -- we did not have the right to defend  
11 ourselves or <the right> to question the authority. <This> is my  
12 best recollection of what happened at that time.

13 Q. Fine. I have no further questions, but before I give the floor  
14 to other Parties, I would like to ask for a bit of clarification  
15 from the Prosecutors. <Earlier,> Mr. Lysak, <I believe> you said  
16 that it might be possible to provide to the Parties, <> paper  
17 copies of the two written records of interview that are connected  
18 to the Kampong Chhnang Airport, can you confirm if it is indeed  
19 possible to provide these photocopies today?

20 [10.04.54]

21 MR. LYSAK;

22 Judge Lavergne, I'll have to give you an answer, I think, after  
23 the break. I'm checking my email to see if I've received a  
24 response to the email I've sent but I don't see anything yet. I'm  
25 getting at spinning wheel right now, so if I can answer your

27

1 question after the break, I'll see if I can find out.

2 JUDGE LAVERGNE:

3 Thank you. I have no further questions, Mr. President.

4 MR. PRESIDENT:

5 It is now convenient to take a break. We will take a break now  
6 and resume at 10.20.

7 Court officer, please assist the witness during the break and  
8 invite her, as well as the TPO staff, into the courtroom at  
9 10.20.

10 The Court is now in recess.

11 (Court recesses from 1005H to 1030H)

12 MR. PRESIDENT:

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

14 And the floor is given to the Defence teams. First the Defence  
15 team for Mr. Nuon Chea to put questions to this witness before  
16 another team.

17 You may now proceed, International Deputy Co-Prosecutor.

18 MR. LYSAK:

19 Thank you, Mr. President. I just want to respond to Judge  
20 Lavergne. I do expect that we will be, at lunch time, delivering  
21 -- be able to deliver the hard copies, we have to go through the  
22 same sort of process we did when we used to deliver hard copies  
23 but because we're only talking of 16 pages it won't take us long  
24 so I expect that we will send around copies at lunch time.

25 MR. PRESIDENT:

1 Thank you for the information. You can proceed now, Counsel for  
2 Mr. Nuon Chea.

3 [10.32.01]

4 QUESTIONING BY MR. KOPPE:

5 Thank you, Mr. President, Good morning, Madam Witness. I have  
6 some questions that I would like to ask you this morning and  
7 possibly also after the lunch.

8 Before the break you answered some questions in relation to the  
9 birth of your youngest child who you said was born in the year of  
10 snake. Your oldest child was born, if I am correct, in 1962, but  
11 it is unclear from at least the English translation of your  
12 statement whether it was your son who was born in 1962 or your  
13 daughter. As you know your son has given a statement and he said  
14 that he was born in 1962, is that correct, was it your son who  
15 was born in 1962?

16 [10.33.13]

17 MS. SOU SOEURN:

18 A. The one who was born in 1962, was the son.

19 Q. And your daughter, Sok Ny (phonetic) alias Chang (phonetic),  
20 when was she born?

21 A. I could not recall exactly the year but I only know that she  
22 was born in the year of dragon.

23 Q. I was born in the year of the dragon that was 1964. In your  
24 statement to the Investigating Judges Investigators, you said  
25 that it was your daughter whom you took in 1970, to the forest.

1 Was that the daughter who was born in 1964?

2 A. As I said I do not recall the exact year. I recall that she  
3 was born in the year of the dragon and I did not know the exact  
4 year at that time. And from my recollection she was born in the  
5 year of the dragon, that is what I could tell you.

6 [10.35.03]

7 Q. And just to be sure, it was her that you took with you in  
8 1970, when you left for the maquis, for the deep forest, is that  
9 correct?

10 A. Yes. I had a daughter with me at that time. My son parted from  
11 me in Kampong <Cham> and later on we <reunited>.

12 Q. And your oldest daughter, who was born in 1964 and whom you  
13 took with you into the forest, was she with you all the time up  
14 until the liberation of 1975?

15 A. Yes. She was with me until that time, until 1975, after which  
16 she was assigned to work in a cooperative. She was then put in  
17 <a> children's unit.

18 Q. And at one point in time, in the period of '75 - '79, did she  
19 also end up working in the Ministry of Social Affairs?

20 [10.36.56]

21 A. She was in that ministry as a medic. She has been <a midwife  
22 in Anlong Veng district, but she resides in different commune  
23 from mine>.

24 Q. And is she at present, still a medic, a midwife in Anlong  
25 Veang?



1 A. Yes, she is a mid-wife in Anlong Veaeng, to save people's  
2 lives. She is a mid-wife in the commune.

3 Q. And your oldest son is, I understand, also still living and  
4 residing in Anlong Veaeng; is that correct?

5 A. My son passed away <> four or five years ago.

6 Q. I apologise, Madam Witness, I haven't realised that. In your  
7 statement to the investigators, you said that you joined the  
8 revolution in 1969, but that you went into the forest with your  
9 daughter in October 1970, in response to King Father's call. Can  
10 you explain to us, or do you remember why it was that it was King  
11 Father's call that made you go into the forest?

12 [10.39.33]

13 A. The King Father made a call in the period and I noticed many  
14 people went into the forest so I made a sacrifice to join the  
15 others into the forest.

16 Q. But you said you joined the revolution already in 1969, a year  
17 earlier, why was it then that late King Father's call made you go  
18 into the maquis?

19 A. I stated as such in my written record but before that time I  
20 had been at home to earn a living and I had been living with my  
21 children. I heard a call that we had to go into the maquis and I  
22 went into the maquis with other people.

23 Q. Late King Father Sihanouk visited the maquis in 1973, were you  
24 present during his visit?

25 A. Allow me tell the Court that I do not really understand about

1 the presence of the late King Father. I do not understand your  
2 question. Peasants were saying that there was call from the late  
3 King Father that everyone had to go into the maquis and we had to  
4 join the call.

5 [10.42.01]

6 Q. From all sides I hear, Mr. President, there was something  
7 wrong with the translation. I will repeat my question. Madam  
8 Witness, I asked you a question about the 1973 visit of late King  
9 Father Norodom Sihanouk to the maquis where he met for instance,  
10 Pol Pot, Khieu Samphan. Were you present at this visit of late  
11 King Father in 1973?

12 A. When the late King Father visited <> in the forest I was with  
13 people and I was not in attendance. I did not know when the late  
14 King was there. I would like to tell the Court that I have  
15 forgotten it I did not pay attention to the visit of the late  
16 King Father, and as I said I do not know when he was there.

17 [10.43.26]

18 Q. I'm staying in this period with my later questions but moving  
19 on time, moving on to 1976. Do you remember King Father visiting  
20 Kampong Cham in 1976, and that a banquet was prepared to greet  
21 King Norodom Sihanouk?

22 A. I cannot recall it. I do not know whether the late King Father  
23 arrived at that place, I do not recall it.

24 Q. Let me read from your statement that you gave, maybe that will  
25 refresh your memory. It is E3/5294, English ERN, 00360119;

1 French, 00367812; and Khmer, 00348836.

2 "Question: Did you know of King Norodom Sihanouk's visit to  
3 Kampong Cham in 1976?" And you answered: "I know that they  
4 prepared a banquet to greet King Norodom Sihanouk, but I did not  
5 attend the banquet." Does that refresh your memory?

6 A. Because of my weak memory I may have recalled it and  
7 <sometimes> I may not have recalled it. And at this time, I told  
8 you already, that I cannot recall it. And as the statement in the  
9 written record perhaps it is so because I may have forgotten it.

10 [10.45.54]

11 Q. Madam Witness, in the case file there is evidence to suggest  
12 that the late King Father visited various sites in Democratic  
13 Kampuchea around five or six times, do you recall maybe any other  
14 visit to the area where you were working or living?

15 MR. LYSAK:

16 Mr. President, if the Counsel wants to ask about other visits  
17 that's fine. I don't think he should lead the witness by vague  
18 unspecified references to the case file, there being supposedly  
19 evidence in the case file of other visits. He has something  
20 specifically he wants to -- document he wants to reference and  
21 ask the witness about, I think that's fine but I don't think he  
22 should be characterising the case file and trying to lead the  
23 witness.

24 MR. KOPPE:

25 I'll be happy to give more specific reference, Mr. President.

1 E3/7 -- I'll -- let me get back to that and let me rephrase the  
2 question. Madam Witness, we just spoke about a visit to Kampong  
3 Cham of the late King Father in '76, and a banquet that may or  
4 may not have been given to him; do you recall any other visits of  
5 late King Father to other sites in the country between '75 and  
6 '79?

7 [10.48.12]

8 A. I do not recall it, the visit of late King Father. I have weak  
9 memory and I am telling the truth. I will tell the Court what I  
10 know and if I forget about something I may not tell the Court.  
11 Going back to that time I was young and perhaps when I made the  
12 statement I had better memory. <I will> not tell the Court if I  
13 do not recall something. Once again I do not recall when the King  
14 visited the place.

15 Q. No problem, Madam Witness. Let me return now, to this period  
16 between '70 and '75, that you and your daughter were in the  
17 maquis. This morning you answered questions or you were telling  
18 something about the bombs that were dropped from the air by  
19 planes, during these bombs that were thrown out in the maquis by  
20 US or US Air force, was your daughter with you? Did you, together  
21 with your daughter, experience the bombs being thrown out of B52  
22 planes?

23 [10.50.13]

24 A. There were aerial bombardment and the areas in the Sector 130  
25 experienced aerial bombardments. So we fled <the area or> we hid

1 <> in the bunkers. In the bunkers we felt <also unsafe. We  
2 worried about a bomb might plunge into the bunker and took all  
3 lives in there. We felt more> relieved <> when <we fled into the  
4 jungle,> the airplanes did not notice the presence of people<,  
5 so> they would not conduct the aerial bombardment. So the aerial  
6 bombardment happened at that time; there were aerial bombardment  
7 as I said. <Many houses> were destroyed because of the aerial  
8 bombardments. <Bombs were being dropped without any consideration  
9 at all>.

10 Q. Were you able to observe many casualties because of these  
11 bombings?

12 A. Yes, those who were in the bunker sometimes died although they  
13 were <in> there. There were many casualties, <including> cows and  
14 water buffalos died because of the bombing. I recall the event  
15 because that was the reality. I held my <> daughter's wrist and  
16 ran away. That was the reality; <I do not exaggerate that point>.

17 [10.52.26]

18 Q. Thank you, Madam Witness. I have an additional question about  
19 the period 1970 and 1975. Your late son, Ke Pich Vannak, in  
20 E3/35, gave some answers to questions in relation to that period  
21 and I would like to read the question to him and his answer, and  
22 then ask you if you remember anything about this. Mr. President  
23 -- that is, as I said, E3/35, ERN English, 00346148; Khmer,  
24 00340569; and French, 00367720.

25 Your late son is being asked a question, "Did any foreigners ever

1 visit Kha-30 besides the senior leaders?" And then your son  
2 answers, "I saw Le Duan and Pham Van Dong. Le Duan came once at  
3 that time I served him tea and gave him a massage. Pham Van Dong  
4 came twice. When those two persons came, I saw Pol Pot had a  
5 meeting with Le Duan and an interpreter, I did not know who that  
6 interpreter was. During the meeting I heard those two persons  
7 talked about joining the Indochina Party but Pol Pot refused to  
8 join it. The two persons spoke to each other seriously at that  
9 time I was near that place." Madam Witness, did your son ever  
10 tell you that he had overhead, apparently, a conversation between  
11 Pol Pot and the two top leaders of Vietnam, Le Duan and Pham Van  
12 Dong?

13 [10.54.50]

14 A. I would like to tell the Court that my late son was not with  
15 me at that time. He was in the military or perhaps with <his  
16 father>. I did not know the affairs engaged by my late son, I was  
17 with my daughter and we had different tasks to perform. I told  
18 repeatedly that my husband and I lived separately from each other  
19 and it was the same case for my late son. I was only with my  
20 younger child and for the elder children they were living in  
21 different places. Once again, I do not know <what you just read.  
22 When I met my son,> he never told me about that particular  
23 matter.

24 Q. I understand that you were not at the same time with him, but  
25 it seems to be a very interesting meeting in the forest, are you

1 sure you never told about this, maybe after 1975 or after 1979,  
2 this meeting between the two top Vietnamese leaders and Pol Pot?  
3 A. <No, he> never told me about it. I have never known or I have  
4 never been informed about such affairs by my late son. I lived  
5 far away from my late son so I do not about the so called  
6 meetings.

7 [10.57.01]

8 Q. I understand, does the term Indochina Party mean something to  
9 you?

10 A. I cannot recall the Indochina Party. My supervisor discussed  
11 about work in the <district.> <However>, I have no idea <about  
12 foreign visitors>.

13 Q. I understand, Madam Witness. Your son, in this same statement  
14 on that same page, also spoke to the investigators about Grand  
15 Uncle Thuch, also known as Koy Thuon. Do you remember Koy Thuon,  
16 did you know him at that time?

17 A. Yes, I know Koy Thuon, but he had different task to do. We  
18 were friends, and I do not know other <details about him>.

19 Q. Did you hear your husband ever speak, in those years, about  
20 Koy Thuon, and I'm referring to the period '70 and '76?

21 [10.59.08]

22 A. I frequently talked to him or mentioned to him that -- rather,  
23 I already told the Court that my husband never discussed any task  
24 that he performed with me. We discussed about our family matters.  
25 As for Koy Thuon, he was one of my friends and comrades. We chit

1 chatted with each other about our living matters or personal  
2 matters but not about our tasks that we performed separately.

3 Q. Did you at the time, either from your husband or from someone  
4 else, that Koy Thuon may be responsible for staging a coup d'état  
5 against the Democratic Kampuchea regime?

6 A. I do not know about it; no one told me about this.

7 Q. Do you remember from those years the former leader of the East  
8 Zone, So Phim, did you know him personally?

9 A. No, I did not know So Phim.

10 [11.01.17]

11 Q. Did you ever hear your husband speak about So Phim?

12 A. I have stated repeatedly when it came to work related matters  
13 concerning senior leaders or zone leaders, he never spoke to me  
14 and he was strict on the issue of confidentiality. Even if I was  
15 his <wife>, he did not mix the two matters together -- that is,  
16 personal matters and work related matters.

17 Q. I understand, let me read to you again an excerpt from a  
18 statement of your late son to the investigators. Maybe this is  
19 something that you heard from him later, after 1979 for instance.

20 Mr. President, again E3/35, English ERN, 00346153; Khmer,  
21 00340566 - 67; and French, 00367724 and 25. It's a rather long  
22 piece that I'm going to read to you, so I will do it slowly and  
23 I'm waiting for the translators to catch up with me.

24 [11.03.26]

25 Question to your late son, he's talking about the period late



1 1977 mid-1978.

2 "After that where did they sent you to and what did they have you  
3 do?"

4 "After that I went back to stay with my father in Stueng village  
5 east of Suong which was the joint headquarter of the Central Zone  
6 and the East Zone. So Phim was the chairman and commander of the  
7 zone. My father was the chairman of the Central Zone and the  
8 deputy commander of the zone military stationing at the front  
9 line. I was my father's driver and bodyguard."

10 Question "When you were with your father, did you see any  
11 noticeable events taking place?"

12 And Madam Witness, your son answers as follows: "I recalled the  
13 purging event of East Zone cadres. The purging took place in two  
14 phases. In the first phase there was an order from the Centre to  
15 arrest Heng Samrin. After receiving that information my father  
16 went to meet with So Phim. My father told So Phim, 'Brother the  
17 upper echelon orders the arrest of comrade Heng'. So Phim  
18 replied, 'So, Pauk, you send A Heng to my house'. After my father  
19 informed Uncle Heng about that, Uncle Heng disappeared forever.  
20 At that time Uncle Heng Samrin was the head of Sector 20 and of  
21 the military division unit. The second phase was the purging of  
22 the zone leadership, the division and the sector within the East  
23 Zone. The purging was carried out following a direct order from  
24 Son Sen. At that time Son Sen came down to the headquarter  
25 personally, accompanied by two truck load of about 60 security

1 guards in black uniform. At that time there were two tanks led by  
2 Chen (dead or alive is not known), coming along to protect him.  
3 When Son Sen arrived, he ordered my father to call a meeting with  
4 the leaders and then arrested them all. At that time, So Phim was  
5 not there. I remember that 42 leaders including their bodyguards  
6 were arrested. I saw the arrests with my own eyes. Among those  
7 arrested I knew Uncle Soth, the committee of sector Prey Veng,  
8 Uncle Chan alias Toeu (phonetic) or La-et (phonetic), the sector  
9 committee and the zone deputy but I did not know which sector,  
10 and Ta Kim, the chairman of the military division of the East  
11 Zone. The arrests of those people took place in 1978."

12 [11.06.49]

13 Madam Witness, this is a long excerpt from the statement of your  
14 late son. I realise, again, it's a long time ago and that you  
15 have difficulties with your memory, but when I read this to you  
16 does that somehow jog your memory?

17 A. I have already told you that I did not know these kinds of  
18 matters. My son -- my late son always stayed with my late husband  
19 and he was also his driver. However, when it came to the meetings  
20 at the East Zone, for instance, I did not have knowledge about it  
21 and I swear to you that I did not know anything about it.

22 Q. A more specific question, did you husband ever talk to you  
23 about Heng Samrin?

24 [11.08.06]

25 A. Yes, he used to, he referred to him as Brother Heng Samrin,

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1 but personally I did not know Brother Heng Samrin, I never met  
2 him. But I used to hear my late husband refer to him as Brother  
3 Heng Samrin. I <> never saw him.

4 Q. Do you know whether your late son ever spoke to what happened  
5 during the Democratic Kampuchea regime with your daughter, the  
6 daughter that we just spoke about, did he, your late son or your  
7 husband ever spoke to these -- about these matters to your  
8 daughter, the one who was born in 1964?

9 [11.09.18]

10 A. I am not sure, but could you please repeat your question as I  
11 did not actually fully understand it.

12 Q. My question was about So Phim and Heng Samrin, and I asked you  
13 whether you know anything about this, however you said that's  
14 beyond my knowledge. This information that's coming from your  
15 late son, have you ever heard him talk to your daughter about  
16 what happened in 1978, in the East Zone? Do you know whether she  
17 knows these things that you son spoke about?

18 MR. PRESIDENT:

19 Witness, can you please wait. And Counsel Koppe could you  
20 enlighten the Chamber whether the last series of questioning is  
21 related to the facts being presented before this Chamber.

22 [11.10.44]

23 MR. KOPPE:

24 Oh, it most certainly is, Mr. President. It's in relation to the  
25 most important chapter still coming, the internal purges in the

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1 East Zone. What happened in the East Zone as we all know the  
2 husband of this witness played a very important role in fighting  
3 with the rebel forces in the East Zone. So, I think the questions  
4 to this witness in relation to this topic is extremely -- are  
5 extremely relevant and so I think I should be able to ask this.  
6 Especially because the testimony that I am confronting her with  
7 is coming from her son.

8 MR. PRESIDENT:

9 Witness, you do not need to respond to the last question that was  
10 put to you by the Defence Counsel as it was not related to the  
11 facts being presented and confronted before this Court at the  
12 moment.

13 MR. KOPPE:

14 Again, a double standard, Mr. President, because the Prosecution  
15 is allowed to ask all kinds of questions, about purges in the  
16 North Zone.

17 [11.11.03]

18 MR. PRESIDENT:

19 Defence Counsel, please move on to another line of questions  
20 which are related to the fact being debated right now. We of  
21 course have heard the questioning from the Co-Prosecutors and  
22 their focus was not mainly on the East Zone. However, there were  
23 a few questions related closely to <Krouch Chhmar district and  
24 Preaek Prasab district> and the main focus was on the 1st January  
25 Dam worksite which was located in the Central Zone. So, please

1 try to be straight in your questioning.

2 MR. KOPPE:

3 One last question, Madam Witness, in relation to this topic, it's  
4 not about the East Zone, but it's about a decision coming from  
5 another country. At the time, and we're talking February, March,  
6 April '78, you heard about a meeting of the Central committee in  
7 February 1978, of the Vietnamese Communist Party, where they  
8 decided to proceed with plans to provoke an internal uprising led  
9 by So Phim, while keeping in reserve an alternative plan to  
10 topple the Democratic Kampuchea regime through direct  
11 intervention?

12 [11.13.59]

13 MR. PRESIDENT:

14 Madam Witness, please wait. And the Deputy Co-Prosecutor you have  
15 the floor.

16 MR. LYSAK:

17 I don't object to Counsel asking questions on this subject but he  
18 is leading the witness, he's asking a leading question and he is  
19 not identifying -- if he has a document that has some connection  
20 to this witness he can ask her about it, I don't think that it's  
21 likely that this witness would have any connection to it, but if  
22 he is going to ask questions from a document he should present  
23 it, he shouldn't be leading the witness like this.

24 [11.]

25 MR. KOPPE:

1 I think I'm entitled to ask a question whether this witness,  
2 through her husband, had any knowledge of a Vietnamese decision  
3 to start an internal uprising. I think that's a perfectly  
4 appropriate question.

5 MR. LYSAK:

6 There's no evidence of that, if you have evidence of that, and  
7 you want to ask the witness identify the evidence.

8 MR. KOPPE:

9 I can if you would like to know. E3/7340, also probably better  
10 known as E307/5.2.7, and there's quite some other material on the  
11 case file as well, indicating that there was a fourth plenum of  
12 the Central committee of the Vietnamese Communist Party, in which  
13 it was decided to start an internal uprising, led by So Phim, and  
14 that was the direct cause to start armed clashes, armed conflict  
15 with So Phim. So any knowledge this witness, through her husband,  
16 might have had I think is extremely relevant.

17 [11.]

18 MR. LYSAK:

19 Mr. President, can I ask you to identify -- are you referring to  
20 this book written Burgler, that looks like it was something  
21 printed off of someone's computer, or is this a different  
22 document. I just want to know what you're asking the witness.  
23 You're asking her to comment on a book written by someone?

24 MR. KOPPE:

25 No. No. I'm asking her to tell us if she knows anything about

1 this February 1978 decision and if she doesn't she can say that  
2 she doesn't know.

3 MR. PRESIDENT:

4 Defence Counsel, please provide details of the document that you  
5 referred to, in particular to the ERN numbers in relevant  
6 languages.

7 [11.16.54]

8 MR. KOPPE:

9 It has now an E3 number. Like I said, E3/7340, more specifically  
10 it was originally filed as E307/5.2.7, the relevant ERN Numbers  
11 are, 01002002 up until 8; at the present time there's only an  
12 English version available. It is a excerpt from a book by an  
13 American scholar called William Duiker, D-U-I-K-E-R, which is  
14 called, "China and Vietnam the Roots of Conflict". However it is  
15 not only this scholar, it is also Chanda, who refers to this  
16 February '78 decision, it's also newspaper clippings, especially  
17 the "Far Economic" -- "Far Eastern Economic" review that referred  
18 to the '78 February decision, so I think it's quite commonly  
19 known and if that is the case I think I'm entitled to ask this  
20 question to this witness.

21 MR. LYSAK:

22 Your Honour, I simply don't see any basis for asking this witness  
23 about a supposed decision of the Vietnamese party that's in a  
24 book. How would this witness have any knowledge of it, there's  
25 nothing that establishes any foundation for asking questions like

1 this.

2 (Judges deliberate)

3 [11.20.19]

4 MR. PRESIDENT:

5 Judge Lavergne, you have the floor.

6 [11.20.27]

7 JUDGE LAVERGNE:

8 Maybe for the purposes of clarity, can you specify, Counsel  
9 Koppe, exactly which meeting you are referring to? I didn't  
10 understand if it was the meeting of the Central Committee of the  
11 CPK or if this was a meeting of the Vietnamese Communist Party,  
12 so can you please just -- then we will see if you can put the  
13 question or not.

14 MR. KOPPE:

15 It was a meeting of the Central Committee of the Vietnamese  
16 Communist Party, also referred to as the Fourth Plenum, February  
17 1978, in which very important decisions were made, including an  
18 internal uprising led by So Phim, the leader of the East Zone,  
19 and if that would fail, intervention through invasion. That  
20 decision might have been the reason for the armed clashes in the  
21 East Zone for which her husband is obviously partly responsible.  
22 So, I'm asking whether she knows anything about this extremely  
23 important--

24 JUDGE LAVERGNE:

25 Counsel Koppe, if I understand well, you have no minutes of this



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1 meeting nor any kind of official report coming from the  
2 Vietnamese authorities; you are just referring to it through  
3 books, but I don't know what the specific references <are>  
4 contained in these books. So, can you please shed some light on  
5 this?

6 [11.22.11]

7 MR. KOPPE:

8 It is correct that I don't have any minutes of this meeting, the  
9 Vietnamese authorities are not very happy to share minutes of  
10 their meetings with us; however, scholars, including somebody who  
11 has been testifying here as an expert -- Nayan Chanda -- refers  
12 to this decision already in publication in '78, that this very  
13 important Fourth Plenum of the Central Committee got together and  
14 made this crucial decision to end the democratic regime -- the  
15 regime of Democratic Kampuchea. So, it is, I think, public  
16 knowledge; scholars and journalist refer to it.

17 JUDGE LAVERGNE:

18 You are referring to Chandler or to Nayan Chanda, <or --> whom  
19 are you referring to? And do you have any specific references  
20 regarding this particular meeting?

21 [11.23.10]

22 MR. KOPPE:

23 Yes. I just referred to, I think, the most American scholar on  
24 Vietnam, William Duiker. I'm not sure how to pronounce it. I  
25 referred to Nayan Chanda, who gave testimony as to the nature of

1 armed conflicts in Case 001, and I'm referring not only to his  
2 book but also to publications in the Far Eastern Economic Review  
3 in 1978, which are, I think, partly on the case file.

4 JUDGE LAVERGNE:

5 Fine. Well, <is it too much to ask you to> provide us the exact  
6 ERNs of <all of> these references?

7 MR. KOPPE:

8 I just gave the English ERN reference of the chapter of William  
9 Duiker's book. I can do that again if you like. It's ERN 01002002  
10 up until 01002008.

11 JUDGE LAVERGNE:

12 Fine. But please, specifically, what is the specific reference?  
13 Here I see there are about eight pages -- or six pages of ERNs  
14 here, <I don't know,> but what is the exact reference to that  
15 meeting?

16 [11.24.44]

17 MR. KOPPE:

18 I'm very happy to read the exact quote from William Duiker's book  
19 and that quote is as follows:

20 "The rationale for action in Cambodia was clear. (Evidence was  
21 accumulating that Pol Pot was firmly in Beijing's camp) and that  
22 the latter would attempt to manipulate the situation in Cambodia  
23 to realise its own foreign policy objectives in South East Asia.  
24 If Hanoi hoped to prevent China from stabilizing its position in  
25 Phnom Penh, it must act soon. An open invasion by Vietnamese

1 troops would be the most decisive solution, but it could cause  
2 serious international repercussions and possibly direct  
3 confrontation with China. A general uprising led by anti-Pol Pot  
4 rebels in Cambodia and supported discreetly by the SRV was less  
5 risky and certainly less costly, but success would be less  
6 certain." Now it comes, Judge Lavergne: "(In the end, the plenum  
7 decided to proceed with plans to provoke an internal uprising led  
8 by So Phim while keeping in reserve an alternative plan to topple  
9 the Phnom Penh regime through direct intervention.)"

10 [11.26.09]

11 JUDGE LAVERGNE:

12 That still does not provide me with the exact reference on which  
13 this author is basing himself.

14 MR. KOPPE:

15 He has knowledge and so has Chanda about the outcome of this  
16 Fourth Plenum of the Central Committee of the Vietnamese  
17 Communist Party. Again, they're both eminent scholars, one of  
18 them is regarded an expert by this Chamber, so I think, again, it  
19 seems to be sufficient knowledge and sources of this February '78  
20 meeting.

21 JUDGE LAVERGNE:

22 Fine. Can you then explain to us how this witness today could  
23 possibly answer the questions that you're putting to her with  
24 regard to this topic, that is to say her knowledge of this  
25 possible meeting of the Central Committee of the Vietnamese

1 Communist Party? Do you seriously believe that this witness can  
2 answer that question?

3 [11.27.17]

4 MR. KOPPE:

5 Maybe not this witness, but her husband certainly could and maybe  
6 her husband spoke to her or her son and she has heard it. This  
7 February decision, again, is widely known, discussed in the media  
8 in '78, so maybe this witness, at a time or later, heard her  
9 husband speak about this February '78 Vietnamese decision to  
10 start an internal uprising. If she doesn't, she can say it.

11 MR. PRESIDENT:

12 The Deputy Co-Prosecutor, you have the floor.

13 [11.27.54]

14 MR. LYSAK:

15 Just very briefly, it should be noted on the record the author  
16 cites no sources whatsoever for this purported discussion at the  
17 Fourth Plenum. If there are widespread media reports of this  
18 event, which I doubt, counsel should be citing them. He keeps  
19 mentioning Chanda, but he hasn't given any cites. I would ask him  
20 to give us cites on that, but I think the ultimate question is, I  
21 don't see any foundation for asking this witness about this  
22 subject.

23 MR. KOPPE:

24 I suppose this is kind of tragic that after seven years we're  
25 discussing this very important decision that nobody in this

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1 courtroom seems to know about it. So again, I think I am  
2 perfectly entitled to ask this question and if the witness  
3 doesn't know she will say so.

4 JUDGE FENZ:

5 I just want to react to your first part. If you say that -- or if  
6 you reference paper and it is contested or if you reference  
7 books, it is an established practice that you have to cite these  
8 references. So that much is clear; no matter how many years we  
9 have been in this courtroom.

10 Now, as to the question, I leave it to the President.

11 [11.29.30]

12 MR. PRESIDENT:

13 Madam Witness, you do not need to respond to that question as  
14 there is no base for the witness to do so.

15 BY MR. KOPPE:

16 Thank you, Mr. President, for your ruling.

17 Q. Madam Witness, you said in your testimony you also spoke at  
18 one point in time to Ieng Thirith when she was visiting the dam.

19 Do you remember giving this testimony?

20 MS. SOU SOEURN:

21 A. I have spoken repeatedly on this issue -- that is, when she  
22 went to visit together with a delegation and she and the  
23 delegation were warmly greeted. That's all I can remember and I  
24 can't recall the details of the visit. And of course, I spoke  
25 about this repeatedly on the two or three occasions that she went

1 to visit Chamkar Leu and that is the best recollection that I can  
2 give to you.

3 [11.31.10]

4 Q. I understand it's a long time ago, but if -- I will try  
5 nevertheless. Do you remember if she mentioned during her visit  
6 -- during her earlier visit to the Northwest Zone, did she ever  
7 speak about her experiences while visiting the Northwest Zone?

8 A. On the issue of the visit to the Northwest Zone, I have no  
9 knowledge of the visit.

10 MR. PRESIDENT:

11 It is now appropriate to have our lunch break. We will take a  
12 break now and return at 1.30 p.m.

13 Court officer, please assist the witness at the waiting room for  
14 the witnesses and experts during the lunch break and invite her,  
15 as well as the TPO staff, back into the courtroom at 1.30 this  
16 afternoon.

17 Security personnel, you are instructed to take Khieu Samphan to  
18 the waiting room downstairs and have him returned to attend the  
19 proceedings this afternoon before 1.30.

20 The Court is now in recess.

21 (Court recesses from 1133H to 1333H)

22 MR. PRESIDENT:

23 Please be seated.

24 The Court is back in session, and the floor is given to the  
25 defence counsel for Mr. Nuon Chea to resume his line of

1 questioning.

2 BY MR. KOPPE:

3 Thank you, Mr. President.

4 Q. Good afternoon, Madam Witness. Before the break, we were  
5 speaking about Ieng Thirith. You testified that you don't really  
6 recall any conversation with her, but your daughter worked at the  
7 Ministry of Social Affairs. Maybe your daughter spoke to you  
8 about conversations that she might have had with Ieng Thirith.

9 But my question is: Do you remember directly or indirectly coming  
10 from Ieng Thirith's actions of sabotage in the Northwest Zone,  
11 rebellious troops stealing rice, taking it away from the  
12 cooperatives, did you, at that time, ever hear such a story?

13 MS. SOU SOEURN:

14 A. I do not know about the killing. I do not know about the  
15 killing in that province.

16 [13.36.29]

17 Q. Maybe my question wasn't clear, but I was speaking about  
18 stealing of rice -- taking away rice away from the people but  
19 storing it in rice mills, for instance, to keep it for rebellious  
20 troops in the Northwest Zone. Have you ever heard something like  
21 this?

22 A. How could I know the affairs in Eastern Zone -- Northwest  
23 Zone, <rather>? We had different tasks to perform. No one  
24 discussed these tasks in those districts.

25 Q. I understand. Let me ask questions then relating to your

1 district. I have here in front of me a document -- a telegram,  
2 E3/952. It's a telegram that your husband sent to Pol Pot on the  
3 2nd of April 1976, and he talks about events in your district --  
4 Chamkar Leu District.

5 And ERN, Mr. President: English, 00182658; Khmer, <00000766>; and  
6 French, 00350762 up until 3. I will read to you what he wrote --  
7 your husband wrote to Pol Pot, and then I'll ask you your  
8 reaction. It talks about the enemy situation in the entire North  
9 Zone. He says that the enemy has fundamentally not yet conducted  
10 any strong activity. But "Specifically, some activity has  
11 appeared in Chamkar Leu district. The enemies are former soldiers  
12 in combination with the Cham and former cooperative team  
13 chairmen. They used copies of a photo of Lon Nol and Nol's  
14 announcement of 18 March 1970 to post on tree trunks near  
15 Trapeang village in Chamkar Leu district, and conducted other  
16 activities like burning forests, and destroying crops like  
17 bananas, papaya, et cetera."

18 Madam Witness, do you remember enemy activities in your district,  
19 such as forces burning down forests and destroying banana crops  
20 and papaya crops?

21 [13.40.06]

22 A. I do not know about the burning of the forest. It happened a  
23 long time ago. I forget it. I could not get information on all  
24 those matters.

25 Q. I understand, Madam Witness. In the same telegram to Brother



1 Pol, your husband addresses the problem of fever and diarrhoea  
2 among people in the zone. And on the same ERN numbers as just  
3 mentioned, he writes that the reason -- and I quote: "The reason  
4 is due to when working and overheating, the brothers and sisters  
5 were drinking cold water, not drinking hot water regularly." So,  
6 after (inaudible) this problem, he then writes to Brother Pol --  
7 and I quote: "The measures taken were to raise the principle of  
8 reducing work hours according to goals set by the Party, pushing  
9 political and ideological training, and having the brothers and  
10 sisters be determined in drinking hot water as well." Does this  
11 problem, as described by your husband, ring a bell? Did this  
12 happen in your district as well? And do you recall anything about  
13 the suggested solution?

14 A. My apology. I cannot have the full grasp of information. Once  
15 again, my apology, <it might be at the time that I was sick.> I  
16 do not recall it. I did not pay any attention to that matter.

17 [13.42.46]

18 Q. No problem, Madam Witness. I'll move on to more general  
19 questions on the food situation and resting time etc.

20 You gave an answer to an earlier question that the purpose of the  
21 1st January Dam was to block the water and it had a purpose of  
22 irrigation -- irrigation of the rice fields. Was the ultimate  
23 goal of the dam to raise the people's standard of living, was  
24 that what the dam was ultimately about?

25 A. I understand that the construction of the 1st January Dam was

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1 to help improve people's livelihood. That's what I can say.

2 Q. You also testified that you and other female cadres went to  
3 Phnom Penh regularly to attend education sessions led by Nuon  
4 Chea. Do you remember whether in these education sessions he  
5 spoke about the ultimate goal of building socialism in Democratic  
6 Kampuchea, being to raise the people's standards of living  
7 quickly? Is that what the main thread of his education session  
8 was about?

9 [13.45.05]

10 A. The education was related to the affairs that I had to  
11 perform. <Concerning the matter you raised; I cannot recall it.>  
12 It happened long time ago. I am sick, so I forgot what I  
13 experienced in that period. I <> attended the meeting, but I  
14 could not remember all the details discussed in that meeting.

15 Q. I understand, Madam Witness. Maybe if I give you some very  
16 concrete examples, that would jog your memory. For instance, do  
17 you remember Nuon Chea speaking to you and your female cadres  
18 about the working and resting regime within Democratic Kampuchea,  
19 for instance, that the workers needed to have three days of rest  
20 per month, for instance, between 10 and 15 days for rest in order  
21 to visit people or to study? Do you remember concrete measures as  
22 to the working and resting regime of workers?

23 A. I have answered repeatedly -- I cannot remember the content of  
24 the education sessions. I cannot recall it.

25 [13.47.20]

1 Q. So if I give you some very concrete practical examples, you  
2 think that won't jog your memory?

3 A. I could not recall it. Why? There were problems with my  
4 memory. <Many people had been killed so the events were not  
5 always stored in my memory. Therefore,> it is difficult for me to  
6 give my answers to your question because I cannot recall it.

7 Q. Let me try one more time and give you concrete example in  
8 relation to women and children. Do you know whether during these  
9 sessions, Nuon Chea spoke about a mandatory two months rest for  
10 pregnant women?

11 A. For pregnant women in cooperatives, there was a regulation to  
12 be applied by those pregnant women. They had one month or two  
13 months rest. And after delivery, women could have two months  
14 <maternity> rest.

15 Q. And in relation to children, do you remember Nuon Chea  
16 speaking about a policy to organise child care centres in the  
17 various bases?

18 A. I have no idea; I may have forgotten it. I cannot find the  
19 answer for you because I cannot recall it.

20 [13.50.35]

21 Q. I understand. A very last example of what might have been said  
22 during these education sessions. Do you remember Nuon Chea  
23 speaking to you and your female cadres -- your colleagues, about  
24 materials necessary for the people, such as mosquito nets,  
25 blankets, pillows for sleeping -- material which was seen as very

1 important for the people in the cooperatives?

2 A. Nuon Chea organised those materials <at Zone levels>. And <the  
3 Zone would organize for districts. Distribution of mosquito nets  
4 and blankets was done at> cooperatives <which received those  
5 materials from sector through district.>. I did not receive any  
6 instruction -- I mean Nuon Chea's instruction about materials. <I  
7 got this instruction from> sectors, <so we distributed at the  
8 cooperatives.>

9 Q. You testified earlier that you perceived the food situation in  
10 your district as decent, as proper. Do you recall any guidelines  
11 from the Centre in relation to rations of food for different  
12 categories of workers, or is that something that you don't recall  
13 either?

14 A. I'm telling the Court that I cannot recall it.

15 [13.53.15]

16 Q. Madam Witness, I would like now to read a quote to you from  
17 someone who I will identify later, and this quote is about the  
18 food situation in Democratic Kampuchea between '75 and '79, and  
19 most likely also in relation to your district and your sector. I  
20 will read this quote to you, and then I will ask you if you agree  
21 with this quote.

22 Mr. President, I'm quoting -- I would like to quote from a  
23 document -- E3/7333, also known as E307/5.2.17 -- just before the  
24 break referred to as the pineapple book. There's no Khmer  
25 translation and there's no French translation. English ERN is

1 01002277. It's on the bottom of page 156.

2 Madam Witness, the quote is as follows: "Yes, the population  
3 works hard, very hard. But they are not unhappy. On the contrary,  
4 they laugh (...) And the food in the cooperatives is not bad. Not  
5 as good as my food in Phnom Penh of course. But it is food (...)  
6 It is the real truth when I say the people are well fed." End of  
7 quote.

8 Do you agree with this quote?

9 [13.55.15]

10 MR. PRESIDENT:

11 Please hold on, Madam Witness. You may now proceed, International  
12 Deputy Co-Prosecutor.

13 MR. LYSAK:

14 Thank you, Mr. President. I'm afraid the question is  
15 objectionable. It's a strain beyond asking a factual question to  
16 this witness to asking for an opinion. There's no indication that  
17 this statement had anything to do with the district or  
18 cooperatives of this witness. So counsel here is just asking for  
19 opinion testimony. There's no base -- factual basis for putting  
20 this statement to this witness.

21 MR. KOPPE:

22 I am not asking her opinion, Mr. President. I'm asking whether  
23 the quote that I just read out reflects her experience in regards  
24 to food situation in her cooperative. So I think I'm entitled to  
25 confront this witness with this particular quote and ask whether

1 that is indeed her recollection as well.

2 (Judges deliberate)

3 [13.57.03]

4 MR. PRESIDENT:

5 The Chamber allows the witness to give the answer to the  
6 question. And the objection by the Co-Prosecutor is overruled.

7 BY MR. KOPPE:

8 Q. Madam Witness, the quote I just read, is that an accurate  
9 description or is it an incorrect description of the food  
10 situation in DK or your sector or district?

11 MS. SOU SOEURN:

12 A. I knew only the task that we did in the district. The living  
13 condition was decent and proper, and the living condition  
14 corresponded with the work that people do. <What I am speaking  
15 about was the condition under the supervision in my district,  
16 Chamkar Leu.>

17 Q. So would you agree with me when I say that you agree with the  
18 quote, that the quote that I just gave you reflects your  
19 recollection as well?

20 [13.58.50]

21 MR. PRESIDENT:

22 You may repeat your question or rephrase your question. It  
23 appears that your question is a leading one.

24 BY MR. KOPPE:

25 Madam Witness, I just read out to you a quote from someone. Is

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1 the content of this quote in accordance with your own  
2 recollection in regards to food situation?

3 MS. SOU SOEURN:

4 A. I already answered that question. The livelihood and living  
5 condition in my district was decent. So what else could I say?

6 Q. Fair enough, Madam Witness.

7 For the record, Mr. President, I was quoting late King Father  
8 Sihanouk during his press conference in February -- or January  
9 1979, in Beijing, China.

10 Madam Witness, some last questions about working hours at the dam  
11 site. Do you recall, at one point in time, a message in one of  
12 the "Revolutionary Flags" about the problems of workers working  
13 in the night-time?

14 [14.00.46]

15 JUDGE FENZ:

16 Sorry, Counsel, you realise she can't read.

17 MR. KOPPE:

18 Well, I -- there seems to be no translation also.

19 JUDGE FENZ:

20 I just wanted to point you to the fact that she cannot read.

21 BY MR. KOPPE:

22 Well, I read in her statement that she reads a little bit, but  
23 let me rephrase.

24 Q. Madam Witness, do you remember ever heard maybe at the  
25 education sessions which you attended that there were problems in

1 relation to working at night-time, and that working at night-time  
2 should be limited as much as possible?

3 [14.04.42]

4 MS. SOU SOEURN:

5 A. When I attended the meetings, workers did not have to work at  
6 night. And that's what I learned through the meeting.

7 Q. Another question in relation to the working hours at the dam.  
8 Do you recall whether the starting of the work, the morning  
9 breaks, the lunch breaks, and the ending of the working session  
10 was the same for all the workers, for all 20,000 workers at the  
11 1st January Dam site?

12 A. As I repeatedly told you, I did not know exactly about the  
13 working hours. You can consider that I was simply a visitor to  
14 the worksite. And that mainly was my role when I went to the dam  
15 site. And I could not tell you about the working hours.

16 [14.03.39]

17 MR. KOPPE:

18 Thank you very much, Madam Witness, for your answers. I am  
19 finished, Mr. President.

20 MR. PRESIDENT:

21 Thank you. The Chamber now hands the floor to the defence team  
22 for Khieu Samphan. And you may proceed, Counsel.

23 [14.04.02]

24 QUESTIONING BY MS. GUISSÉ:

25 Thank you, Mr. President.



1 Q. Good afternoon, Madam Sou Soeurn. My name is Anta Guissé, and  
2 I am the Co-International Co-Counsel for Khieu Samphan. And I  
3 will put a few extra questions to you with relation to your  
4 testimony. I, first of all, would like to obtain clarification  
5 with regard to your <parents'> social background <>. Is it true  
6 that you come from a family of farmers?

7 MS. SOU SOEURN:

8 A. Yes, indeed. My husband was originated from a farming family.  
9 <He had been cultivating rice paddy since he was young until the  
10 time he joined the struggle.> And the level of education was also  
11 limited. So <he was a> pure peasant.

12 Q. And your husband and yourself came from the same region, is  
13 that where you met?

14 A. Yes, we came from the same district, but different villages.

15 Q. And you said that you got married<, we calculated,> in 1958  
16 and that it was only in 1976 that you were appointed <-- if I've  
17 understood correctly --> to work in Chamkar Leu district; is that  
18 correct?

19 A. Maybe, I cannot recall the exact year as when I was appointed  
20 to go there. I simply cannot recall the year.

21 [14.06.38]

22 Q. But it is in Chamkar Leu that you worked as a member of the  
23 district committee; we agree upon that, yes?

24 A. Yes, it was at Chamkar Leu. However, allow me to stress that I  
25 only worked there for a year.

1 Q. No problem. I understood that. But before the year you spent  
2 at Chamkar Leu, you spent six months in Kampong Thom; is that so?

3 A. I cannot recall how many months I spent in Kampong Thom.

4 Q. And <your> region <of the provenance,> where you met your  
5 husband, was which region, which district?

6 A. Please repeat your question as I do not understand it.

7 Q. The region where you lived with your parents and <> where you  
8 met your husband, it was which district?

9 A. I lived with my parents. And after I got married, we remained  
10 in the same Chhuk Khsach commune, Baray district, Kampong Thom  
11 province. And later on, I went to earn a living in rice farming  
12 at Chamkar Andoung. And these are the two locations that I lived.  
13 But I cannot recall when I left home for Chamkar Andoung; I  
14 cannot recall that.

15 [14.09.20]

16 Q. When you were answering a question from my colleague <from>  
17 the civil parties, you spoke about the hospitals that existed  
18 <while you were> in Chamkar Leu district, and you explained that  
19 there were different levels of hospitals. <That there were -->  
20 and of course, I want to repeat correctly what you said. So I  
21 will <quote> what you said yesterday a little bit before 3.08 in  
22 the afternoon. And you said that:

23 "The hospital existed at the district level, but that there was  
24 also <one at the> "sangkat" <level>, <the> commune <level>. We  
25 had to treat the patients at that level, <at the commune level>.

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1 If the patient's condition worsened, then he was sent to the  
2 district hospital from the commune hospital. And if <his or her>  
3 condition remained critical, then the patient was sent <from the  
4 district hospital> to the province hospital." End of quote.

5 So my question is: <Madam> Witness, <at the time> when you  
6 arrived at Chamkar Leu, <did you know> for how long had these <>  
7 commune hospitals <been> built <or set up>?

8 <First, the commune hospitals, can you -- do you know> how long  
9 these commune hospitals <had been there, in the district>?

10 A. I do not have a full grasp of what happened or when the  
11 hospital was established, because after my arrival, the district  
12 and the commune hospitals had already been established, though I  
13 cannot tell you which years they were built.

14 [14.11.37]

15 Q. Without specifying the year, can you tell us if these  
16 hospitals had been built during the Khmer Rouge period or before?

17 Did they exist before the Khmer Rouge regime <> under Lon Nol?

18 I'm not asking for a specific date, I just want to know under  
19 which regime these <commune> hospitals <were> built.

20 A. The hospitals were built during the times that I worked there.

21 So when <> cooperatives <were first established,> the hospital  
22 <was also being built>. But I cannot tell you the year.

23 Q. So if I understood you well, these hospitals were built <after  
24 -- they were built> during the Khmer Rouge regime; is that so?

25 A. Yes.

1 [14.13.12]

2 Q. And you said that you came from <a family of> farmers and that  
3 you lived in Baray district in Kampong Thom, <apart from> your  
4 <experience> in Chamkar Leu. So what I want to know is that, <at  
5 the time of your marriage> and during your youth, were there many  
6 hospitals in Baray district?

7 A. When I was young -- and I can tell you that I was young -- and  
8 I did not have any necessary means of transportation. So simply  
9 put, I cannot tell you whether hospitals existed here or there.  
10 And usually, I walked on foot from one location to another. And  
11 mainly, I spent most of my time assisting my parents in working  
12 in a rice field. And only when <people were> sick, then <they  
13 would be> sent to a hospital for treatment.

14 Q. And do you remember which hospital you were sent to when you  
15 were ill, when you were young?

16 A. When I was sick or when my parents were sick, we actually did  
17 not really go to the hospital as we believed in superstition. And  
18 mainly we sought the help of traditional healers or we made an  
19 offering to the spirit.

20 [14.15.30]

21 Q. And when you tell us that you resorted to traditional  
22 medication, were there any traditional practitioners you called  
23 upon or <did> this only happen within your family?

24 A. During the regime, we had traditional healers who sold us  
25 traditional medicine or who gave us some tree barks and leaves.

1 And for some wounds, we used the bark from Kapok tree to heal the  
2 wound. And that's how the peasants treated themselves during the  
3 regime; and they rarely <visited> a hospital.

4 Q. In my translation, I heard "under the regime". Which regime  
5 are you speaking about precisely?

6 A. If I am not mistaken, I heard you asked me a question as to  
7 during which regime I went for treatment at a hospital. And my  
8 response was about the regime when I was young, that is when the  
9 revolution did not yet exist. And at that time, we sought  
10 treatment from traditional healers.

11 [14.17.29]

12 Q. Thank you for this clarification. Now I'm going to turn to  
13 another topic. I'm going to speak more specifically about the 1st  
14 January Dam. And you confirmed to my colleague that you  
15 understood that the building of this dam was to improve the  
16 agricultural situation and to provide more food to the  
17 population. And yesterday, you indicated a little bit after 2.17  
18 in the afternoon that the dam was to be used by the people living  
19 around the dam all the way up to the area of Baray. And you also  
20 said yesterday that you travelled <on several occasions> to the  
21 dam worksite where people from your district were working. So my  
22 question is: Can you tell us more specifically, in which commune  
23 <was the section of the dam that> the people <from> your district  
24 were working <on>, if you remember that?

25 A. I do not want to repeat my responses as I have spoken quite

1 many times on the 1st January Dam worksite. What do you want me  
2 to clarify again and again? You should have understood what I  
3 have said so far regarding the 1st January Dam worksite. And I  
4 told you already that I was simply a guest visiting the worksite  
5 and I was not a supervisor at the 1st January Dam worksite. And  
6 the 1st January Dam is located in Kampong Thma district. And I  
7 have repeated this message several times. And what else do you  
8 want me to say regarding the dam?

9 [14.20.05]

10 Q. Witness, I understand that you're tired. Many <> people are  
11 putting questions to you that may seem repetitive, but <if> I'm  
12 asking for clarification <it is because> the responses that you  
13 gave to us were not fully understood. And that's why I'm asking  
14 for clarification.

15 Of course, I understood <the part in your testimony in which you  
16 stated> that you were not working there on a permanent basis;  
17 that you would go there from time to time. There's no problem  
18 about that. And I also understood very clearly that the worksite  
19 was in the region of Kampong Thom (sic). But <> many witnesses  
20 have come to testify <before this Court>, and we gathered from  
21 that that the dam site covered <> several kilometres. So,  
22 according to the districts <or> the communes, people could have  
23 been working in different communes.

24 So my specific question is <> where you saw -- or, even if it was  
25 rarely -- people from your district working. If you could tell us

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1 in which commune the people from your district were working so we  
2 could know in which section of the dam site the people from <>  
3 your district were working. I don't know if <my question is> a  
4 bit clearer <now>.

5 [14.21.42]

6 A. Of course, your question is clear, and as I said, the dam is  
7 located in Kampong Thma district, not Kampong Thom district,  
8 because Kampong Thom is a province not a district and it runs  
9 through several villages <in hundreds of kilometres>. And I  
10 cannot tell you which villages the dam runs through. And there  
11 were tens of thousands of workers working on the dam worksite. So  
12 I cannot remember everyone. And I was there as a <> visitor to  
13 the site.

14 MR. PRESIDENT:

15 Madam Sou Soeurn, as a witness, you are obliged to respond to the  
16 questions put to you by Parties to the case. And if you do not  
17 know an answer to a question, please say so because your response  
18 is actually an answer to that question. Because Parties have the  
19 right to put questions to you and that is the formal proceeding  
20 before this Court. Of course, the questions are on the main topic  
21 -- that is, on the dam worksite, but the questions are not the  
22 same nor repetitive. They might be similar to you, but there are  
23 specific points within those questions that the Parties want you  
24 to respond to.

25 [14.23.35]

1 BY MS. GUISSÉ:

2 Thank you, Mr. President.

3 Q. So I understood that you do not remember in which village the  
4 section of the worksite you visited was located, <I will not  
5 insist on that>. And as you spoke about the number of workers,  
6 I'd like to get back to that.

7 Yesterday, you said that there were between 20 to 30,000 workers  
8 and maybe possibly up to 40,000 people <at the worksite>. And  
9 your son, Ke Pich Vannak, who was heard -- document E3/35,  
10 French, ERN 00367721; Khmer, ERN 00340563; English, ERN 00346149  
11 to 50; this is what he said, and one of the questions that was  
12 put to him was:

13 "Who was in charge of the 1st January Dam worksite?"

14 His answer was the following: "The committee of the Central Zone  
15 <generally managed it>, and this committee was made up of four  
16 people: my father, Pou <Srach (phonetic)>, Pou Tol, and Pou Chan.  
17 Pou Sreng, Pou <Tol>, and Pou <Chan> were respectively the chiefs  
18 of the 41st section, and the 42nd section, and the 43rd section.  
19 These three chiefs were in charge of gathering <the> workforce in  
20 order to build the 1st January Dam. According to the plan, each  
21 region had to provide 10,000 people to the worksite. But  
22 concretely speaking, I did not know the exact number <>.The  
23 workers worked on a rotation basis." End of quote.

24 [14.25.40]

25 So, on the basis of this testimony from your son, we understand



1 that <about> 30,000 people were expected to work on the <dam>.

2 But did you hear about this plan? And does this figure of 30,000  
3 seem closer to reality than the 40,000 you spoke about yesterday?

4 A. I think that figure is about right. And yes, I said it may be  
5 between <30,000> to 40,000 workers. However, that is my personal  
6 estimation and the correct figure might be best for 30,000  
7 workers.

8 Q. And when you <give> that assessment -- well yesterday, when  
9 you were asked how many people from your district worked on the  
10 1st January Dam worksite, you said that you did not know. So  
11 under those conditions, on what do you base yourself to tell us  
12 that there were 30,000 workers working on the dam? If you're not  
13 even sure of the number with regard to your own district, how did  
14 you come up with your estimate?

15 A. As I have said, my estimation rise from the number of workers  
16 selected from each district. And at my district, it was the  
17 district committee who maintained the list of workers sent to  
18 work at the worksite. But I myself did not know the total number  
19 of the workers from <the five> communes under the <Chamkar Leu>  
20 district. <> I do not have that figure or any recollection of the  
21 number.

22 [14.28.30]

23 Q. There's no problem <with> that, so I will stop bothering you  
24 with all of these figures.

25 You said, therefore, that you travelled rarely to the <1st

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1 January Dam> worksite, <but> you said -- or, at least when you  
2 were present, that you did not see any machinery. As I told you,  
3 <several> witnesses testified before this Chamber, and some spoke  
4 about machinery, such as Witness Or Ho, Pech Sokha, or Uth Seng,  
5 when <they were> speaking about the machines <they> saw <> at  
6 <the time of> the fall of the regime. And there is another person  
7 who apparently worked directly with your husband who's called  
8 Ieng Chham. And does <> this name ring a bell?

9 A. On the forces of workers at the worksite, I already told you  
10 about that. Mainly, they worked with their manual labour. But as  
11 I said earlier, later on, heavy machineries were used to aid in  
12 the workers at the worksite. And I also said during my testimony  
13 that I knew some workers there, but I cannot recall their names.  
14 And some of them have passed away.

15 [14.30.20]

16 Q. First clarification regarding the answer you've just given.  
17 You said that machines were sent <to subsequently help the>  
18 workers <>. Do you remember when the machines arrived in your  
19 district?

20 A. I cannot recall as to when they were brought in. However, I  
21 recall that only at a later stage when the dam itself already  
22 formed its proper shape, then heavy machineries were present at  
23 the worksite. <They were used to assist workers.>

24 Q. Ieng Chham; <whom> you perhaps do not remember, but whom was  
25 heard in E3/5513, that is <in> answer to question 64. And this

1 was the question that was put to that witness:

2 "In the construction of the <> 1st January Dam <and bridge>, what  
3 were the technical tools used?"

4 And the answer was as follows: "In my sector, the tools we used  
5 were <for example> D4s, <D6s,> D7s, excavators, concrete mixers,  
6 and cranes. <This equipment was> used to lift the <soil>." End of  
7 quote.

8 My question, therefore, is as follows: In your district, did you  
9 see excavators, concrete mixers, and cranes? <Or does this not  
10 jog your memory>?

11 A. From my district, we only had manpower in digging canals or  
12 building dams, and there were no heavy machineries involved.

13 [14.32.50]

14 Q. But you said a while ago that at <one> point in time, machines  
15 arrived. Do you recall what types of machines <these were>?

16 A. Are you referring to the worksite at Chamkar Leu?

17 Q. Yes, I'm referring to your worksite. <Unless I misunderstood  
18 your response:> when you talked of machines, were you not talking  
19 about your district?

20 A. <That's why I sought your clarification. As far as I knew they  
21 were at 1st January Dam sitsite, however,> digging canals or  
22 building dams at Chamkar Leu, only manpower was used.

23 Q. Very well. So when you talked about machines that <arrived>  
24 later on, which district were you referring to if it wasn't  
25 Chamkar Leu?

1 A. I am referring to the 1st January Dam site. I later saw the  
2 heavy machinery there. I do not recall when the machinery arrived  
3 at that worksite. The machinery was used to assist workers.

4 [14.34.44]

5 Q. Just one last point on this part regarding what you were able  
6 to observe at the 1st January Dam worksite. You stated that there  
7 may have been hygiene problems because there were flies. My  
8 question is as follows. As some witnesses came and testified  
9 before this Chamber, did you hear of <> the spraying of  
10 insecticides to kill those flies?

11 A. I do not know. I do not know about the spraying of  
12 insecticides.

13 Q. You also talked about the use of water on the 1st January Dam  
14 worksite. You stated that workers <collected> water from  
15 <certain> points, <along the> riverside, and so on and so forth.  
16 A witness, Uth Seng, explained that in some places, boiled water  
17 was placed at the disposal of workers specifically to improve the  
18 hygiene conditions. Do you know whether <such measures were  
19 enacted in your district>?

20 A. Yes, water was boiled in every cooperative for workers to  
21 drink. And tree or plant roots were put in that water and boiled  
22 for workers to drink and to avoid <malaria> or diarrhoea. And I  
23 do not know about the fact that whether water was boiled at the  
24 1st January worksite.

25 [14.37.10]

1 MS. GUISSÉ:

2 For the record, I was wrong in mentioning the name of the witness  
3 we referred to. It was civil party Seang Sovida, who talked about  
4 it.

5 Mr. President, I want to go into another line of questioning. I  
6 do not know whether this is the right time for us to take the  
7 afternoon break, <or whether I should continue>.

8 MR. PRESIDENT:

9 Thank you. It is now convenient time for the break, and the  
10 Chamber will take a short break from now until five to 3.00.  
11 Court officer, please facilitate a proper room for this witness  
12 and TPO staff, and please invite them back to the courtroom at  
13 five to 3.00.

14 The Court is now in recess.

15 (Court recesses from 1438H to 1456H)

16 MR. PRESIDENT:

17 Please be seated.

18 The Court is now back in session, and before I hand the floor to  
19 the defence team to continue putting questions to the witness,  
20 the Chamber will make an oral ruling on the -- in light of the  
21 Case 003 disclosure -- that is, document E319/23.

22 The Chamber notes the forthcoming disclosure of Case 003  
23 statement -- that is, document E319/23, and the Parties request  
24 for additional time to review these statements prior to hearing  
25 the witnesses regarding the Kampong Chhnang Airport worksite.

1 [14.58.01]

2 According to the Co-Prosecutors, two statements within this  
3 disclosure amounting to 16 pages in English relate to the Kampong  
4 Chhnang Airport worksite. These two statements were provided to  
5 the Defence and the Lead Co-Lawyers today.

6 In order to provide the Parties an opportunity to review these  
7 two statements, the Chamber will adjourn the hearing schedule for  
8 Monday, 8 June, and instead sit next week from Tuesday through  
9 Friday inclusive.

10 The defence further submits that other statements in this  
11 disclosure relevant to internal purges and military structures in  
12 the East Zone may relate to the Kampong Chhnang Airport worksite.  
13 The Co-Prosecutors submit that these statements would only be  
14 tangentially relevant to worksites, if at all, and that the  
15 entirety of the newly disclosed statements would be provided to  
16 the Defence and Lead Co-Lawyers by Tuesday next week.

17 While a full assessment of the contents of these statements will  
18 only be possible after they are provided to the Defence and Lead  
19 Co-Lawyers, the Chamber notes that there remains several months  
20 before the trial will reach the topic of internal purges where  
21 they appear to be primarily relevant. The Parties will have  
22 significant time to review the remaining statements prior to the  
23 start of the internal purges topic, including during the mid-year  
24 recess. Therefore, the Chamber does not consider it necessary to  
25 further delay the hearing of witnesses on the Kampong Chhnang

1 Airport worksite on this basis. The Chamber notes, however, that  
2 it will consider reasoned motions to recall witnesses on the  
3 basis of the late disclosure of statements on a case by case  
4 basis.

5 [15.00.44]

6 Finally, the Chamber notes the Parties also request that it delay  
7 the hearing of witnesses on the Trapeang Thma Dam worksite until  
8 after the mid-year recess. To have more time to prepare for the  
9 hearings scheduled by the Supreme Court Chamber, this request  
10 will be addressed in due course.

11 The Chamber now hands the floor to the defence team for Khieu  
12 Samphan to continue putting further questions to the witness. And  
13 Counsel, you may proceed.

14 [15.01.27]

15 BY MS. GUISSÉ:

16 Thank you, Mr. President.

17 Q. Madam Sou Soeurn, I'm going to continue with my questions. <To  
18 reassure you, I won't be much longer>.

19 You said that in the context of your duties as a member of the  
20 district committee, you would supervise the cooperatives. So, in  
21 the context of the supervision, did you have meetings with the  
22 cooperative chiefs?

23 MS. SOU SOEURN:

24 A. I attended the meetings, but the meetings were not held at the  
25 cooperative. The meetings were held at the district and heads of

1 communes were called to attend those meetings.

2 Q. And during these meetings at the district office, did you  
3 ever, as a member of the district committee, give the instruction  
4 to the commune <chiefs> to treat the 17 April People differently  
5 from the Base People?

6 A. Allow me to clarify this matter. When heads of communes or  
7 "sangkat" were called to attend the meetings, on the instruction  
8 of relaying work plans, on the work at the dam, and on food  
9 supply, we discussed the matter thoroughly, and forces were  
10 assigned as who were responsible for the work at the kitchen and  
11 those who worked at the worksite or at the other dam worksite.

12 [15.03.57]

13 Q. I understood that clearly but specifically within the context  
14 of these plans and of the division of labour, did you give any  
15 instructions for the 17 April People to receive less food than  
16 the Base People?

17 A. That statement is not true, that is that the 17 April People  
18 were categorised differently from the Base People. And from my  
19 full grasp of the situation in my district, there was no  
20 differentiation between the Base People and the 17 April People  
21 as we all ate from the same kitchen.

22 Q. And following the same line of thought, did you give  
23 instructions to the commune and cooperative chiefs to inflict  
24 poor treatment <on> the New People because they did not come from  
25 the right class? Did you give such instructions?



1 A. No, that is untrue. There is no differentiation between the  
2 Base People and the 17 April People. The food ration was equal  
3 for everyone. And there was no instruction to the commune chiefs  
4 on the various treatments -- or the different treatment between  
5 the Base People and the 17 April People at all.

6 [15.06.15]

7 Q. The reason I'm asking you this question is because we heard  
8 <several> witnesses and <> civil parties who said that because  
9 they were 17 April People, they would receive different treatment  
10 in the cooperatives or on the 1st January Dam site. So my  
11 question was, if this resulted from instructions that you had  
12 received from the sector or from the zone, and if you yourself  
13 had given such instructions. And based on your answers -- and <>  
14 tell me if I'm mistaken -- but what I understood based on your  
15 answers is that not only you did not provide such instructions  
16 but you <also> didn't receive either such instructions from the  
17 sector or from the zone, instructions indicating that you should  
18 treat the 17 April People differently. Am I right in  
19 understanding this or am I mistaken?

20 A. That is correct. <> I agree with the statement you quoted.  
21 Regarding the living condition, and the situation in the communes  
22 and the district, there was no mistreatment at all in regards to  
23 the 17 April People. We were all <same> people -- that is, the  
24 Khmer people.

25 [15.07.55]

1 Q. I suppose that you're speaking about your experience within  
2 your district. But do we agree that you did not know how the  
3 cooperative chiefs would behave in other districts?

4 A. I do not have a full understanding of what happened in other  
5 districts. Although I may say that there was no differentiation  
6 between the Base People and the 17 April People.

7 Q. I think you were telling Judge Lavergne in talking about the  
8 training sessions that you had with regard to managing  
9 cooperatives when you went to Phnom Penh. Can you confirm that <>  
10 during these training sessions in Phnom Penh <you never received>  
11 instructions aimed at mistreating the 17 April People or treating  
12 <them> differently?

13 [15.09.42]

14 A. The upper echelon never gave instructions to the cadres to  
15 mistreat the New People or the 17 April People or to deprive them  
16 of food. The instructions we received were to organise the  
17 cooperatives and to produce sufficient rice yield for the people  
18 in the cooperatives so that they had enough strength to work.

19 MS. GUISSÉ:

20 Thank you for having had the patience to answer my questions.

21 Mr. President, I am done. And my colleague <Kong Sam Onn has> a  
22 few follow-up questions.

23 MR. PRESIDENT:

24 Thank you. And Counsel Kong Sam Onn, you have the floor.

25 [15.10.47]

1 QUESTIONING BY MR. KONG SAM ONN:

2 Thank you, Mr. President. Good afternoon, Your Honours, Parties.

3 And good afternoon, Madam Sou Soeurn. I only have a few questions  
4 to put to you. And I noticed that you have been exhausted during  
5 the last two days of your testimony, so please, bear with me just  
6 for a little while.

7 Q. In relation to your written record of statement -- that is,  
8 <E3/5794>, at Khmer, ERN 00348830; and English, 00360114; and in  
9 French, 00367806; and allow me to quote:

10 Question: "Were the 17 April People or the Base People the  
11 subject of purges and disappearance?"

12 Answer: "Both. And when I asked them about the disappearance, I  
13 was told that they minded their business and I should mind my own  
14 business. And I did not dare ask any further questions."

15 And I'd like to ask you on the words that you made in that  
16 statement that, "they minded their business and you minded  
17 yours", did you receive this kind of phrase from any level?

18 [15.12.54]

19 MS. SOU SOEURN:

20 A. I did not receive any -- this <is the discipline for work, for  
21 example, we had the right to be aware of our> work <and manage  
22 ourselves, but> we did not have the right to ask about the  
23 affairs of other people.

24 Q. I have listened attentively to your testimony during the last  
25 two days and you repeated on a number of occasions of the same

81

1 phrase -- that is, "they mind their own business and you mind  
2 your business", and now you said that is the practice at the  
3 time. And my question to you is the following: Did you receive  
4 any education from any source so that you put into practice this  
5 kind of slogan?

6 A. Please rephrase your question. I don't fully get it.

7 [15.14.24]

8 Q. What I'd like to get from you is, did you receive any  
9 education from any source regarding the phrase that you used --  
10 that is, "they mind their own business and you mind your own  
11 business"?

12 A. We received such an advice from the <Secretary> of the sector.  
13 We were told that we should only mind our own business and others  
14 will mind their business. And that's what I learned from the  
15 sector.

16 Q. Was that a Party principle? Or was it a <> practice <which was  
17 handed down from individuals>?

18 A. I cannot remember what it was. I don't know whether that  
19 advice or instruction was originally sourced at the sector level.

20 Q. That is all right. And can you tell the Chamber whether that  
21 was the principle that all Party members of the CPK understood?

22 A. I cannot recall that. It is very difficult to say whether it  
23 was self-determination or not. So I cannot answer your question.

24 [15.16.18]

25 Q. That is all right. And in fact, my question is related to the

1 phrase that you used, that is "they mind their own business and  
2 you mind your own business". And my question to you is whether  
3 this phrase is well understood amongst the CPK party members.

4 <Was it only you who knew this principle?>

5 A. If you would like me to respond on behalf of those CPK party  
6 members, I can't. Even for myself, I am unsure as whether it was  
7 a self-determination or not.

8 Q. Yesterday at about 14.11, and a little bit after that in your  
9 response to the Lead Co-Lawyer's questions concerning Khieu  
10 Samphan, you said that the upper leaders of your husband,  
11 including Mr. Khieu Samphan -- and my question to you is the  
12 following: How did you know that Khieu Samphan was a senior  
13 leader above your late husband?

14 A. I know that there were senior leaders when my husband called  
15 cadres to attend the meetings at the zone level and that  
16 information was relayed. And that is the best I can recall.

17 [15.19.45]

18 Q. Did you know whether your husband <> had to report to Khieu  
19 Samphan?

20 A. As I said, I do not know about the work-related <to> my  
21 husband. I only knew about my work. Because instructions were  
22 relayed from the zone level to certain cadres at certain levels,  
23 and only cadres at that level would get the information or  
24 instructions. <I do not know his work.>

25 Q. And do you know the administrative structure of the CPK?

1 A. No, I don't.

2 Q. What about your husband's membership in the CPK, do you know  
3 of his membership status in the CPK?

4 A. No, I don't. I don't understand about the membership issue.

5 Q. When I refer to the membership, I refer to his status within  
6 the CPK structure. Do you understand that?

7 A. No, I don't.

8 [15.22.05]

9 Q. Did you know Khieu Samphan prior to 1975?

10 A. No, I did not know him.

11 Q. What about after 1975, or for the period between 1975 to 1979,  
12 did you know the position of Khieu Samphan within the CPK rank?

13 A. No. I did not know about his position within the CPK rank <>.  
14 I cannot recall it.

15 Q. Can you make a distinction between the CPK leadership and the  
16 leadership of the Democratic Kampuchea regime?

17 A. I do not have a full understanding of this issue.

18 Q. You said that the senior leaders above your husband included  
19 Khieu Samphan; do you have any -- what kind of information that  
20 you relied upon when you make that statement? Or what was the  
21 source of your information?

22 A. I noticed that I saw him in the forest and that my husband was  
23 working with Khieu Samphan. And that's all I knew about it.

24 [15.25.08]

25 Q. So it was your observation while you were in the forest. And

1 can you confirm which period it was?

2 A. I've been sitting here and thinking as to when but I cannot  
3 recall it.

4 Q. Can you at least say whether that period was before <> '79 or  
5 after 1979?

6 A. I simply do not remember it whether it happened before 1979 or  
7 not or whether it happened in 1976 or '77. <I cannot recall it.>

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. I am done.

10 [15.26.32]

11 MR. PRESIDENT:

12 Thank you, Counsel.

13 Today's proceeding has come to an end, and we will resume the  
14 hearing on Tuesday <9 June 2015, > next week starting from 9  
15 o'clock. And on that day, the Chamber will hear testimony of a  
16 witness 2-TCW-975.

17 And Madam Sou Soeur, the Chamber is grateful of your valuable  
18 time to testify before us as a witness <in the last two days>.

19 And your testimony may contribute to ascertaining the truth. Your  
20 testimony is now concluded and you are no longer required to be  
21 present in the courtroom, and therefore you may return to  
22 wherever you wish to go. And we wish you a safe trip back home.

23 And also, Madam <Chhay Mariden> TPO staff, the Chamber is  
24 grateful of your assistance during these two days.

25 And Court officer, please make necessary transportation

1 arrangement in collaboration with WESU for the witness to return  
2 to his place of residence.

3 And security personnel, you are instructed to take the two  
4 Accused back to the detention facility and have them returned to  
5 attend the proceeding on Tuesday next week before 9 o'clock.

6 The Court is now adjourned.

7 (Court adjourns at 1528H)

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