



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

16 February 2015

Trial Day 244

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

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KHIEU Samphan

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. EM PHOEUNG (2-TCW-954)	Khmer
MR. DE WILDE D'ESTMAEL	French
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PHNEU YAV (2-TCW-934)	Khmer
MR. SREA RATTANAK	Khmer
MR. SUON VISAL	Khmer
MR. VEN POV	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0908H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the testimony of the reverend, Em

6 Phoeung. In fact, he has been invited to testify last week.

7 However, due to the hearing of the testimony of an expert, his

8 testimony has been postponed until today. The reverend has been

9 informed about the rights and obligations, as well as questions

10 his background has been asked by the Chamber. Therefore, it is

11 not necessary for the Parties to inquire about the background of

12 the reverend in order to save time.

13 And Ms. Se Kolvuthy, could you report the attendance of the

14 Parties and individuals to today's proceedings?

15 [09.10.29]

16 THE GREFFIER:

17 Mr. President, for today's proceedings, all parties to this case

18 are present, except for Mr. Nuon Chea who is present in the

19 holding cell downstairs as he <waives> his right to be present in

20 the main courtroom. His waiver has been delivered to the greffier

21 and the witness today -- that is, the Reverence Em Phoeung, is

22 present in the courtroom.

23 We also have a reserve witness, 2-TCW-934, and to his knowledge,

24 he has no relationship by blood or by law to any of the two

25 Accused: Nuon Chea or Khieu Samphan, nor to any civil party

1 recognised in this case.

2 The witness will take an oath before the Iron Statute this  
3 morning at 10.00 a.m. before his testimony.

4 [09.11.34]

5 MR. PRESIDENT:

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

8 The Chamber has received a waiver from Nuon Chea, dated 16th  
9 February 2015, who states that due to his health, backache,  
10 dizziness and headache and that he cannot concentrate for long,  
11 and in order to prepare for effective participation in the future  
12 hearings, he waives his direct presence in the courtroom on 16  
13 February 2015.

14 [09.12.16]

15 Nuon Chea has been informed by his counsel about the consequences  
16 of this waiver that in no way it can be construed as a waiver of  
17 his rights to be tried fairly or to challenge evidence presented  
18 or admitted to this Court at any time during his trial.

19 Having seen the medical report of Nuon Chea by the duty doctor at  
20 the ECCC, dated 16th February 2015, who note that the health  
21 condition of Nuon Chea, in general, remains unchanged, he has  
22 severe backache, dizziness and cannot sit for long and recommends  
23 that the Chamber also allow him to follow the proceedings from  
24 the holding cell downstairs.

25 Based on the above information and pursuant to Rule 81.5 of the

3

1 ECCC Internal Rules, the Chamber grants Nuon Chea's request to  
2 follow the proceedings remotely from a holding cell downstairs,  
3 via audio-visual means.

4 And, as he waives his right to remain in the main courtroom, the  
5 AV Unit, you're instructed to link the proceedings to the holding  
6 cell downstairs so that Nuon Chea can follow it remotely, and  
7 that applies for today's proceedings.

8 [09.13.54]

9 The Chamber would also like to inform the Parties that today, due  
10 to the limited resources of the interpreters in the booth <due to  
11 his/her health condition>, the ITU and the Chamber tries our best  
12 to provide the service during the proceedings. For that reason,  
13 we request the Parties to put questions slowly <or> leave  
14 sufficient pause between question and answer session so that the  
15 interpreters can properly <and fully> interpret the proceedings.  
16 We would like now to hand the floor to the Prosecution to put  
17 questions to Reverence Em Phoeung.

18 Please, wait. And Counsel Koppe, you have the floor.

19 MR. KOPPE:

20 Good morning, Mr. President. Good morning, Your Honours, counsel.  
21 Mr. President, I'm sorry to stand up before the Prosecution would  
22 start asking questions to the witness. But I would like to raise  
23 this issue now because I think it's relevant to this witness and  
24 it is an important issue.

25 [09.15.12]

4

1 You might recall three weeks ago, I stood up as well and asking  
2 clarification about four new statements added to the case file,  
3 four statements coming from the investigation of Case 004. I  
4 asked for clarification and I asked on the 26th of April 2015  
5 (sic), and I have the transcript in front of me: English, ERN  
6 01060391; French, 01060293/4; and Khmer, 01060886 until page 7. I  
7 asked -- and I literally - and I read now from the transcript, I  
8 say, "My second question would be, if these four statements --  
9 the release of these four statements, is that it or are there  
10 more to come in relation to this segment?" End of my own quote.  
11 The prosecutor, Mr. Lysak, replied, and I will read his answer to  
12 you again, and he says the following - I quote again: "There have  
13 been some additional statements, none of them to my knowledge  
14 involved trial witnesses but requests have been made and when  
15 authorisation is provided for these new statements, they will be  
16 disclosed too. But they do not relate to trial witnesses." And  
17 then he says - and I quote: "It's a pretty small number to my  
18 recollection too."

19 [09.17.00]

20 Last Friday, we were informed by the Prosecution that another 20  
21 statements coming from Case 004 will be served upon us this  
22 morning. Nobody came, so we didn't receive them yet. I'm not sure  
23 how the 20 statements relate to a pretty small number, what is  
24 more concerning is that there is a strong rumour -- and I don't  
25 know if that is correct -- that there are hundreds of statements

5

1 coming from Case 004 on the way to be added to the case file. If  
2 that is true, I think we have a serious situation because we're  
3 ongoing with examining witnesses. I do not know what are in these  
4 statements, you don't know also, I think. So my question really  
5 is, also in relation to the earlier answer of the Prosecution, is  
6 this some - what some called after the Hungarian or Italian  
7 sausage or salami tactics feeding it in small numbers or is there  
8 something else going on and I would really like to know because  
9 it potentially could affect this witness, I don't know. It could  
10 affect the next witnesses, I don't know. But if it is true that  
11 hundreds of Case 004 statements are coming our way, I think that  
12 is unacceptable and then we need, maybe I don't know if you will,  
13 but we need to possibly request for suspending the proceedings  
14 until we are able to read all those statements.

15 So again, I apologise for bringing this up now but I think it  
16 could potentially relate to this witness that's why I'm asking  
17 the question. Thank you.

18 [09.18.55]

19 MS. GUISSÉ:

20 Thank you, Mr. President. Good morning to all. I can only align  
21 myself -- <on behalf of> the defence team of Mr. <Khieu Samphan>  
22 -- <> to the comments made by Counsel Koppe. There is in effect a  
23 problem with <regard to the defence teams' preparation>. We  
24 <understood from> Mr. Lysak's <comments last time,> <that he  
25 believed there was only a small number;> the number <is>



6

1 increasing by the day. We have absolutely zero <> clarity on the  
2 exact number of statements that are forthcoming and so if  
3 understood, <this is a point that--> I <understood> it required  
4 the authorisation of the Co-Investigating Judges but the  
5 Co-Prosecutors need to know exactly how many statements they  
6 <>required <to be conveyed>; that's the first point.

7 [09.19.58]

8 The second <point> is <that o>n <either> side of the courtroom,  
9 we simply -- perhaps do not share the same <>view on the case  
10 file <or on what is relevant. So perhaps on the Prosecution side,  
11 they believe that certain statements are not useful for the  
12 witnesses to come; the Defence might see things differently. A>nd  
13 so long as we do not have the statements in hand and so long as  
14 we have not <read them, so long as we have not compared them  
15 against> the evidence <we are currently assessing>, we cannot  
16 formulate an opinion. So once again, I would insist on the fact  
17 that this is a matter of <the Defence's> proper preparation in  
18 order for the proper conduct of trial in order to allow a proper  
19 adversarial hearing to unfold. <I know that the other side of the  
20 courtroom has often stressed the adversarial concept, which is  
21 also applicable on this side of the courtroom.> We therefore seek  
22 clarification on the exact number of documents that will be  
23 conveyed <overall as> requested of the Co-Investigating Judges,  
24 <so that we may> be able to organise <our work> accordingly <as  
25 the Defence team>.

1 [09.21.02]

2 MR. PRESIDENT:

3 The <International> Deputy Co-Prosecutor, you have the floor.

4 MR. DE WILDE D'ESTMAEL:

5 Thank you. And good morning, Mr. President, Your Honours. Good  
6 morning to all Parties. First and foremost, I deplore the fact  
7 that this debate is occurring now since we have very little time,  
8 as it were, to examine the witness. It is already 9.20. However,  
9 I do <understand> the Defence's <concerns>.

10 <Now perhaps it seems completely out of place to be> talking  
11 about tactics <or> the salami <technique, etc.>. The  
12 Co-Prosecutors have an obligation to convey to the Parties the  
13 written records of witness interviews that are related to case  
14 file 002, <both> because <they> may contain exculpatory  
15 information and <because> it may <contain> information that is  
16 related to <topics that were debated before this Chamber in the  
17 proceedings for> Case 002/02. This is a process <we have not yet  
18 completely mastered, as you know>. This is an ongoing process.  
19 <We continue to receive> copies of written records <on an ongoing  
20 basis as well as> translations. Therefore it is impossible to  
21 <provide> definite figures <>immediately. <It> is an ongoing  
22 <process>. <Secondly,> this is not a matter of tactics but we've  
23 had to ask for the authorisation of the Co-Investigating Judges  
24 in order to disclose these statements, therefore, we cannot go  
25 anymore expeditiously than <their> capacity <to analyse these

8

1 requests> allows. Therefore, we <are ready, of course, to>  
2 provide <> clarification <on anything> that the Chamber <would  
3 like to know, but> I would draw the attention of the Parties <to  
4 the fact> that this is an ongoing process<;> this is not a matter  
5 of deploying tactics. We are following the due diligence and  
6 procedure necessary in order to disclose these documents to all  
7 Parties <as quickly as possible and> to the best of our capacity.  
8 <This is all I wanted to say at this stage,> Mr. President.

9 [09.23.12]

10 MR. PRESIDENT:

11 The International Lead Co-Lawyer for the civil parties, you have  
12 the floor.

13 MS. GUIRAUD:

14 Thank you, President. Just a very brief observation since we  
15 found ourselves in the exact same position as the defence counsel  
16 <in relation to these documents; we> do not have access to <the  
17 investigation of> Case File 004, therefore there is no visibility  
18 of the documents that are being produced. We find ourselves in  
19 the exact same position as our learned colleagues across the way.  
20 What <we believe is that, what> is essential is the ascertainment  
21 of the truth <is for> these <hearings to> take place and we have  
22 the responsibility to <organize ourselves in order to> use those  
23 documents in <a timely manner.> And <from this side of the  
24 courtroom, we oppose to any inkling of a suspension to allow the  
25 parties the> time to read those documents. <We believe that it is

1 important for this> process <to> move forward and <for> the civil  
2 parties <as well as the Defence> to adapt with these  
3 circumstances. It is <pointedly> not easy but <it is necessary  
4 they adapt to> this <ongoing> process of disclosure <>in order to  
5 allow the overall process to <move forward>.

6 [09.24.27]

7 MR. KOPPE:

8 Very briefly, Mr. President, in reply to the prosecutor's answer;  
9 I appreciate fully that Co-Investigating Judges or legal officers  
10 working for the Co-Investigating Judges have to review these  
11 statements, these documents. But surely, the Prosecution knows  
12 how many documents they requested to be reviewed. There is a  
13 process of reviewing but there's also a request. So is the rumour  
14 correct that there are hundreds of statements coming our way or  
15 not? If not, what is the number that we're talking about? So I  
16 think the Prosecution is very well capable of giving an answer to  
17 that very concrete question.

18 (Judges deliberate)

19 [09.30.54]

20 MR. PRESIDENT:

21 The Chamber would now like to give the floor to Judge Fenz to ask  
22 for certain clarifications on this issue.

23 Judge Fenz, you have the floor.

24 JUDGE FENZ:

25 The first question is to counsel, might have been a translation

10

1 issue. You mentioned an ERN that was a reference to your original  
2 question in Court; is that correct? <Yes.>

3 Next question is to OCP; refers to this witness only: of the  
4 document that you are aware of and that are about to be  
5 disclosed, does any of them impact on this witness?

6 MR. DE WILDE D'ESTMAEL:

7 Well, frankly speaking, <in my understanding,> no, Your Honour.  
8 There is no statement <to be submitted> that's going to have an  
9 immediate consequence on the testimony of the <>witness today.

10 [09.32.09]

11 JUDGE FENZ:

12 So much for this witness. Now for the general situation. It is  
13 obviously unusual and fluent and potentially problematic. Our  
14 first question is, and I'm not sure you've answered it anyway.  
15 But how many-- can you make an assessment or are you aware how  
16 many documents will come or are still to come?

17 MR. DE WILDE D'ESTMAEL:

18 Your Honour, I do not have this figure in mind. If I had received  
19 an email I could have prepared myself and provided you with the  
20 exact figures -- <I don't know them.> But I think that our office  
21 would be able to provide this figure during this day to all the  
22 Parties <and the Judges>. I know that there are a certain number  
23 of written records involving the work sites, that is to say the  
24 next segment of the trial, which are still being revised and  
25 analysed by the Investigating Judges. And I think this represents

11

1 <dozens of documents,> about 60 documents, if I'm not mistaken.

2 But as far as the rest is concerned, I <am not> able to provide  
3 you with an exact figure. I risk, in fact, being mistaken.

4 [09.33.28]

5 JUDGE FENZ:

6 I understand the investigation in this Case is still ongoing. To  
7 the best of your knowledge, the interviews produced now or in the  
8 next months will they impact on Case 002? So, can you say with  
9 any certainty how many documents are actually affected at this  
10 point in time?

11 MR. DE WILDE D'ESTMAEL:

12 Your Honour, <we must guarantee the confidentiality of the  
13 investigations>. We don't have access to this information. The  
14 Investigating Judges protect their investigations so they do not  
15 <disclose> this kind of information to us. What I know is that  
16 they will probably be a certain number of written records that  
17 might be linked to forced marriage that will come up in the weeks  
18 or the months to come, but <apart> from that, I do not know. I  
19 believe only the Investigating Judges will be able to answer that  
20 question.

21 [09.34.32]

22 JUDGE FENZ:

23 As mentioned, this is a slightly unusual and fluent and  
24 potentially problematic situation. The Chamber will consider how  
25 to deal with it generally. As to this witness and based on the

12

1 information we got from OCP, we will go ahead.

2 MR. PRESIDENT:

3 Mr. Co-Prosecutor, you may proceed.

4 QUESTIONING BY MR. SREA RATTANAK:

5 Good morning, Mr. President, Your Honours, and all parties to the  
6 proceedings; and also Reverence Em Phoeung. I'm <Srea> Rattanak,  
7 I'm the National Co-Prosecutor of the ECCC. I have a number of  
8 questions related to the treatment of the <> Buddhist<s> from  
9 1975 to 1979.

10 [09.35.45]

11 Q. Earlier you told <before> the OCIJ, <in the document,  
12 E3/5133,>, ERN; Khmer, <00165260>; English, ERN <00223200> and  
13 <French ERN 00702335>; and you said that, <on 17 April> 1975, you  
14 were evacuated from Phnom Penh <along the National Road 3> and  
15 further to Angk Roka Pagoda. I would like to know, at that time,  
16 Angk Roka pagoda, where was it located, in commune or district?

17 MR. EM PHOEUNG:

18 A. Angk Roka Pagoda is in Cheang Tong commune, Tram Kak district,  
19 Takeo province -- Cheang Tong commune, in Tram Kak district,  
20 Takeo province.

21 Q. How long did you take from Phnom Penh to arrive at Angk Roka  
22 Pagoda in your trip?

23 A. Yes, it took me long time to be there. I don't remember. It  
24 took me about one month or two. I had travelled on foot from  
25 Phnom Penh to the pagoda.

1 [09.37.35]

2 Q. During your trip from Phnom Penh to Angk Roka Pagoda, did you  
3 receive any mistreatment or any ill treatment from the Khmer  
4 Rouge or any official of the Khmer Rouge along the road?

5 A. On the road I received no mistreatment because there were many  
6 people evacuated from Phnom Penh.

7 Q. In addition to that, have you seen any mistreatment towards  
8 other Buddhists or any other monks along the road?

9 A. When I left Phnom Penh, I didn't witness any mistreatment  
10 because there were many people evacuated and some other monks and  
11 other people left earlier and other left later than that. But  
12 along the road, we had difficulty half way sleeping area and also  
13 food shortage along the road.

14 [09.39.25]

15 Q. During your travel, was it you who choose your destination to  
16 that pagoda or who did -- the one who tell you to go to that  
17 place?

18 A. On the 17th April, I was living in Sampov Meas in Phnom Penh  
19 and at 10.00 p.m., the liberated soldiers ordered us to leave  
20 Phnom Penh and I asked, "where should I go<, comrades>?" and he  
21 told me that "you should go to your home town." They were small  
22 soldiers; I can say they were boys' soldiers. "Where should I go  
23 Comrade" and he told me that, "you should go to your home town."  
24 I told him that I was from Kampot and he told me, "you should go  
25 there" and I walked from 10.00 p.m. until early in the morning, I



14

1 could reach <Preah Kossamak Hospital> in Phnom Penh<,> not far.

2 Q. The final destination I would like to hear from you is Angk

3 Roka Pagoda.

4 Did you have any option to go to Angk Roka by yourself or was it

5 anyone who forced you <>?

6 A. Because I used to live there so I was not forced to go to that

7 destination because I used to live there before.

8 [09.41.35]

9 Q. Did you have any choice other than Angk Roka for you to go?

10 A. It was my hometown. I used to live there, that's all I can

11 tell you.

12 Q. When you had arrived in Angk Roka Pagoda, did you see other

13 monks there? Were there any Buddhists or lay people inside or

14 around that pagoda?

15 A. When I arrived in Angk Roka, my monk teachers all was there

16 and some other monks <from Takeo> were also staying in Angk Roka

17 and they were all coming to Angk Roka to stay in that pagoda when

18 I arrived.

19 Q. Reverence, can you tell the Court how many monks were there at

20 the time?

21 MR. PRESIDENT:

22 Reverence, please wait until the microphone is activated. You can

23 see the red light on it. So could you please wait?

24 MR. EM PHOEUNG:

25 A. At the time, I did not count the number of monks but the monks

15

1 were told to stay there <to be ready> to build canal at Trapeang  
2 <Andaeuk> and later they were sent to do that construction of the  
3 canal at Trapeang <Andaeuk>.

4 [09.43.58]

5 BY MR. SREA RATTANAK:

6 Q. Earlier you told the Court that other monks were from other  
7 places and pagoda to stay in Angk Roka. Did you know where they  
8 were from? Did you ask any of the monks as regard their previous  
9 pagodas?

10 MR. EM PHOEUNG:

11 A. Those monks who came to stay at Angk Roka, most of them came  
12 from Takeo province. They were <all> told to stay in this pagoda  
13 to be ready to do other work for the new regime.

14 Q. When you arrived at Angk Roka and immediately after your  
15 arrival, what did you do and who told you to do that kind of  
16 work?

17 A. On my first arrival, I was not ordered to do anything, but  
18 later we were told that you cannot be staying as a monk <longer>;  
19 any monk should leave monkhood or should be defrocked and they  
20 will not allow anyone to be in monkhood. But at my first arrival,  
21 we were not doing anything, just stay and wait to be ready for  
22 the next order.

23 [09.45.59]

24 Q. How long did you stay freely and not doing anything to be  
25 ready for the next order?

16

1 A. It was not long because Angkar will not let anyone to be free  
2 for longer, but all we did during that time, we had to cook for  
3 ourselves and we need to collect vegetables and some supplies to  
4 cook for our meals.

5 Q. Before the OCIJ, you said that in document E35133 (sic);  
6 Khmer, ERN<, > page 4<, > 00165261; English, ERN<, > page 4<, >  
7 00223200; and French, ERN<, > page 4 and 5<, > ERN00702335 to 36.

8 You said that: "After a time, they forced the monks to grow  
9 cassava with their robe<s> on and <they said that> no one <would>  
10 serve any<one anymore>. So everyone had to work for the regime."  
11 End of quote.

12 Based on your statement to the OCIJ, and your earlier statement  
13 to the Court -- to the Trial Chamber -- I know that there was a  
14 small discrepancy in your statement, so which of your responses  
15 would you stand by?

16 A. So, could you tell me the discrepancy? I don't know. I don't  
17 understand.

18 [09.48.43]

19 Q. The discrepancy was that you say here before the Chamber that  
20 after your arrival at Wat Angk Roka, you had some free time, but  
21 in your statement to the OCIJ, you said that all monks, including  
22 you, were <> ordered <> to do the labour with your robe on, as a  
23 monk. So, I would like to know for sure from you: were you  
24 ordered to do labour with your robe on, or you had some free time  
25 for a while at Angk Roka, and later, after you were defrocked,

17

1 and then you were ordered to do the labour?

2 A. Let me tell you my experience. <Initially>, I didn't <have>  
3 anything <to do yet>, and later, Angkar came and told us to do  
4 the dam construction at Trapeang <Andaeuk>. So, no one could be  
5 free. Everyone had to do labour for the regime. So, at the  
6 beginning, we had a bit of free time, and later Angkar <knew that  
7 there were many monks, they then> came and told us to go to do  
8 construction of the dam <with the robes on>.

9 [09.50.39]

10 Q. So, were you doing that when you were still a monk?

11 A. Yes.

12 Q. The construction of canals and dams, was it a normal practice  
13 for the monks to do that, before the Khmer Rouge?

14 A. Could you repeat your question, Prosecution? I don't catch  
15 that.

16 Q. I would like to know the labour you did, including building  
17 canals at Trapeang <Andaeuk>: was it the normal labour for the  
18 monks before the Khmer Rouge regime or in the previous regime?

19 A. No, it was not a practice for the monks. It's only after the  
20 liberation<, after 17 April,> by the Khmer Rouge that they --  
21 they ordered us to do those kinds of labour. But the monks were  
22 not doing anything during the earlier regime, so we were forced.  
23 We were ordered to do those labours in our robes, as monks.

24 <Angkar ordered us to work.>

25 [09.52.25]

1 Q. Could you -- or can you refuse to do those orders, to do  
2 labour?

3 A. No one would complain or refuse the orders. No one -- no one  
4 refused. We had to follow the order <of Angkar>.

5 Q. Talking about working conditions: so what were your working  
6 hours, and how about your meals as a monk, when you do labour  
7 during that time?

8 A. So, we were doing the same labour as the lay people. So, we  
9 started from 6 a.m. until 11 o'clock, and then we started at 1  
10 p.m. until <5> p.m., the same as other people.

11 Q. Did you witness any other monks who refused to follow the  
12 orders of the Khmer Rouge? If so, can you tell the Court an  
13 incident that you witnessed?

14 A. I didn't see <any monks> opposing or refusing to do any  
15 labour, so everyone followed the orders.

16 [09.54.22]

17 Q. When you were staying at Angk Roka Pagoda, was there any  
18 practice, or were there any Khmer Rouge cadres or <soldiers> pay  
19 respect, or offer anything to monks as they were in the past?

20 A. At that time, the monks were at work sites. They were not at  
21 the pagoda. They had to do labour for the regime.

22 Q. A while ago you told the Court that soon after your arrival at  
23 the pagoda you were still in your robe. And then -- I would like  
24 to know that there was no one pay respect, no one offer you any  
25 alms, food for the monks? Could you do any practice as praying,

1 or doing a sermon, or preaching, as you did earlier at the  
2 pagoda?

3 A. The duty of the monks: so, we were so strong with the  
4 religion, we would do our prayer and our sermons quietly, without  
5 anyone noticing.

6 Q. Talking about relations between other monks in <Angk Roka>  
7 Pagoda: could any lay people, or other villagers contact you or  
8 meet you to offer anything to the monks?

9 A. There were some Old People who came and met with the monks.  
10 They would meet with the monks when they just arrived, but only  
11 all elderly people who were at the pagoda at the time. <The  
12 younger people were at the worksites, so we could not meet with  
13 them.>

14 [09.57.30]

15 Q. Was there any prohibition for any contact with the monks?

16 MR. PRESIDENT:

17 Prosecutor, could you ask your question again?

18 BY MR. SREA RATTANAK:

19 Q. Was there any prohibition of any contact for monks and other  
20 villagers? Or what are the reasons behind that?

21 MR. EM PHOEUNG:

22 A. At the beginning, it was not so <that> strict. And after -- a  
23 month or two after <> the 17 April <>, we could make some  
24 contacts with the Old People who were living in the local area,  
25 so we -- we should -- we knew something from them. And they told

1 us that, "Venerable, you cannot stay in the pagoda and practice  
2 in the way that you did before. You should go and work for the  
3 Angkar." This is what I heard from all those Old People.

4 [09.59.01]

5 Q. When you arrived at the pagoda and stayed in Wat Angk Roka,  
6 how long did you stay before you were ordered to defrock?

7 MR. PRESIDENT:

8 Reverence, could you be mindful with the microphone, so it is not  
9 activated?

10 MR. EM PHOEUNG:

11 A. In 1975 until 1976, the monks kept leaving monkhood, and in  
12 1976, no monk was left in the monkhood, <> and those monks could  
13 not stay in the monkhood <because there was no offering>. And the  
14 <Angkar> told them that you could not stay in your robe as a monk  
15 anymore. You have to do the labour, because the time and the  
16 regime is now different than before. That's all.

17 [10.00.19]

18 BY MR. SREA RATTANAK:

19 Q. What about you yourself, Reverence? When were you instructed  
20 to leave the monkhood?

21 MR. EM PHOEUNG:

22 A. It was in 1976.

23 Q. When you left the monkhood, was there a ceremony for that  
24 process? Did you do it following the Buddhist practice?

25 A. At that time, nobody wanted to do that. However, it was the

21

1 Angkar who instructed us to do so. They then gave us clothing and  
2 shoes. And it was in black colour. And then we were told that we  
3 should leave the monkhood before the end of 1976.

4 [10.01.41]

5 Q. Was any ceremony held for that?

6 A. No, there was nothing. There was no ceremony at all. And one  
7 after another, the monks had to leave the monkhood. Younger monks  
8 had to leave the monkhood first, and then the <older> monks would  
9 follow.

10 Q. When you were ordered to leave the monkhood, was a monk  
11 instructed to leave the monkhood at the time, or was there a  
12 ceremony for groups of monks, or was there a ceremony organized  
13 by Angkar? By ceremony I mean, was there a meeting or a gathering  
14 for certain monks?

15 A. At that time, <the commune committee> called <us for> a  
16 meeting <to announce> that Angkar had liberated the country, and  
17 that nobody would serve nobody else, and everybody had to work  
18 based on the instructions of Angkar. Nobody would have free time  
19 anymore. Everybody had to engage in labour. Everybody, with no  
20 exceptions, and the time was now different from the previous  
21 regime. Then we were given clothes: at least, a shirt and pants,  
22 and a pair of shoes. Then we were instructed that we had to leave  
23 the monkhood in a month's time, then to go and engage in building  
24 dams or digging the canals. That's what was instructed by Angkar.

25 [10.03.52]



1 Q. Am I right to say that the person who was in charge of the  
2 commune there held a meeting where you were instructed to leave  
3 the monkhood <at> that <> time<, is that correct>?

4 A. It was a meeting where plans were delivered. <Then> we were  
5 given the <equipment>, <and later, we left the monkhood>.

6 Q. You just stated that you were called to a meeting by a person  
7 who was in charge of a commune. Was he male or female? Was the  
8 person male or female?

9 A. It was a man.

10 Q. At that time, what did that person say about his position in  
11 the commune?

12 A. He presented himself as a member of the commune, in charge of  
13 the youth.

14 [10.05.19]

15 Q. Did he come alone, or was he accompanied by other people?

16 A. He came along with the militia.

17 Q. Had you known that person was in charge of the commune before,  
18 who came to chair that meeting?

19 A. I knew some of them, but not all, because some of those who  
20 came were rather young.

21 Q. Besides that meeting about the plans that Buddhist monks had  
22 to leave the monkhood, was there other meetings held? For  
23 example, a weekly meeting or a monthly meeting, or an urgent  
24 meeting, where you personally attended?

25 A. At that time, a meeting was convened every month in order to

1 strengthen the stance of the youth and <those defrocked monks  
2 were considered the youth>.

3 Q. In all those meetings, what did they say about Buddhist  
4 religion? Here I refer to the meetings that you attended while  
5 you were staying at Angk Roka pagoda.

6 A. Please ask the question again as I did not get it well.

7 [10.07.55]

8 Q. You stated that there were meetings where they instructed on  
9 the strengthening of the stance. My question to you is that,  
10 while you were staying at Angk Roka Pagoda, in those meetings did  
11 they mention anything about Buddhist religion?

12 A. Angkar, including the commune authority, stated that now  
13 everything was different from the previous regime, which was  
14 capitalist <and imperialist>. Now there was no longer  
15 capitalists, and everything had to be done according to Angkar's  
16 instructions, and no <one should be free>. Everybody had to  
17 strive to work hard, to have a common meal, and to work together.  
18 Because in the previous regime, some people did not work and had  
19 free time, and now, it would be different, as everybody had to  
20 engage in labour.

21 [10.09.20]

22 Q. During that period of time, did you know other Buddhist monks  
23 who either died or disappeared?

24 A. Some monks only died when they were leaving Phnom Penh, or  
25 when they were leaving the provincial towns of certain provinces

1 -- that is, during the time of the 17 April 1975. At that time,  
2 <the head of monks,> Huot Tat -- Samdech Huot Tat -- was there,  
3 and there were about 20 other monks who were also there in Phnom  
4 Penh. Later on, they all had disappeared, and I did not know  
5 where they went.

6 Q. My question to you is about Buddhist monks in Takeo province.  
7 Did you know if any of the monks in the province died, or was  
8 killed, or disappeared during that time?

9 A. Only one monk who died, and I -- he was my friend. He died  
10 <at> the <north> of Svay Prey <> market <>. He told me that <>  
11 monks were tortured and killed <at the place he was,> as they <>  
12 opposed the Angkar's instructions.

13 Q. Later on, after you left the monkhood, were you considered a  
14 former monk, a peasant, or a capitalist, or a new person?

15 A. I was considered a 17 April person.

16 [10.12.07]

17 Q. Were you ordered to fill in a biography? Reverence, please  
18 respond again.

19 A. Please repeat your question, prosecutor.

20 Q. Reverence, were you ordered to write your biography?

21 A. No, I was not ordered to do so.

22 Q. Later on, what were you ordered to do?

23 A. At that time, I was amongst the youth.

24 Q. Where were you assigned to work?

25 A. In fact, there were two provinces where I worked in. I was

1 then returned to Kampot province, because my relatives lived in  
2 Kampot, but because I ordained and stayed at Angk Roka, and after  
3 I left the monkhood, I returned to Kampot province as part of the  
4 youth group.

5 [10.14.02]

6 Q. What I want to ask you is in relation to your activities and  
7 experience within Takeo province only.

8 A. I worked there as part of youth group, digging canals and  
9 building dams.

10 Q. Can you tell us the location?

11 A. It was right in Angk Roka. Some of us were divided to Trapeang  
12 <Andaeuk>, and we stayed and worked at Angk Roka.

13 Q. What was the working condition like?

14 A. Please repeat your question.

15 Q. I would like to ask you about your personal experience during  
16 the time that you were instructed to work at Trapeang <Andaeuk>.

17 What was the working condition like?

18 A. Youth was the stronger force compared to the adults, to the  
19 older people. We were the main force in dealing with digging  
20 canals and building dams, or engage in dry season farming. <They  
21 were the prime force.>

22 [10.16.07]

23 Q. Who was your chief, or supervisor, at the time?

24 A. Please repeat your question.

25 Q. While you were working there, who was your supervisor?

1 A. I did not know who was my supervisor at the time <because I  
2 did not ask>.

3 Q. So, who actually ordered you to engage in that kind of work?  
4 <> Under whose instructions did you engage in working in that  
5 area?

6 A. We were divided into groups, from units into groups, and I was  
7 within a group.

8 Q. Was there any work quota for you to complete?

9 A. As for digging a canal, it was 30 metres long, 2 metres deep  
10 and 5 metres for the top part. For the bottom part, it was 3  
11 metres wide. That's for a group of 30 people to complete within  
12 <half> a month's time.

13 MR. PRESIDENT:

14 The time is appropriate for a short break. We'll take a break now  
15 and return at 10.30 to continue our proceedings.

16 Court officer, please assist the reverence during the break. I  
17 invite him to the courtroom again at 10.30.

18 We are now in recess.

19 (Court recesses from 1018H to 1036H)

20 MR. PRESIDENT:

21 Please be seated. The Trial Chamber is now in session and the  
22 floor is given to the Co-Prosecutor to continue its line of  
23 questioning to the witness. The floor is yours.

24 [10.37.09]

25 BY MR. SREA RATTANAK:

1 Q. Before our break I asked questions in regard the quota imposed  
2 by the regime. In doing your labour during that time, did you  
3 receive sufficient food or meals for that?

4 MR. EM PHOEUNG:

5 A. I cannot describe -- no way to describe about living  
6 conditions because we were exposed to forced labour because we  
7 had very little for meals.

8 Q. Can you tell the Court the quantity of the food and living  
9 conditions -- you said that it is <in>describable <>. <What did  
10 you mean by that?>

11 A. During the regime the labour was very, very hard but there was  
12 very little food and meals but we had to endure to try to survive  
13 <>.

14 Q. During that regime, did you witness any person who fell sick?  
15 Did he or she receive any food or any meals for being sick?

16 [10.39.08]

17 A. The patients who were staying at their houses -- they were  
18 distributed with meals, with food, but they received just a ladle  
19 full -- a scoop full of rice and there were some other rations  
20 for the patients who are at the clinic or at the hospital.

21 MR. SREA RATTANAK:

22 Your Honours, I have no further questions to put to the witness  
23 and I would like to hand over the floor to my esteemed colleague  
24 to continue.

25 [10.40.00]

1 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President. And good morning to <>all of you again,  
3 as well as to the witness. I'm going to put to you <additional>  
4 questions with regard to what you have lived through, essentially  
5 in the district of Tram Kak, and then I will get back later to  
6 what happened at Angk Roka Pagoda.

7 Mr. President, in order to be perfectly clear with regard to our  
8 intentions, we started at 9.30 so I'd like to ask you if we could  
9 continue until 11.30 since the civil parties don't have many  
10 questions and they might be able to put these questions at the  
11 beginning of the afternoon, if this suits the Chamber?

12 Q. I'm going to first <> pick up where my colleague stopped and  
13 this regards your <work> digging canals in Tram Kak. And you said  
14 that -- you were speaking about people who fell ill and you said  
15 earlier on that you were considered as a 17 April person, so the  
16 unit in which you were working, was it only made up of 17 April  
17 People?

18 MR. EM PHOEUNG:

19 A. At the worksite, there were some 17 April People and there  
20 were some Base People, but the Base People <> supervised other  
21 people to do labour.

22 [10.41.38]

23 Q. And did you notice if these Base People were working in the  
24 same places as you? D>id they eat in the same places as you as  
25 well?

1 A. In the unit, they would stay in the same place but for those  
2 who work at the villages, the Base People were not with the 17  
3 April People.

4 Q. And in <> Tram Kak district, did you notice differences in  
5 treatment between the 17 April People and the Base People, in  
6 terms of food, <> workload <or> <>housing?

7 A. During that regime, at the beginning, we were divided into  
8 Base People and 17 April People and those who were evacuated were  
9 allocated in the 17 April People group or unit.

10 [10.43.10]

11 Q. I believe I should repeat the question. My question was:  
12 Between these two groups -- that is to say the Base People on one  
13 side and the 17 April People on the other side -- were <> these  
14 people treated differently? For example, would you <be fed> the  
15 same thing? Were you housed in the same places? And were you  
16 treated in the same way as the Base People?

17 A. At that place we had a communal kitchen for the 17 April  
18 People and the Base People.

19 Q. You are telling me that the Base People would supervise you.  
20 <W>ere there people who were mistreated among the 17 April  
21 People?

22 A. I didn't -- I did not witness any mistreatment at my place.  
23 [10.44.50]

24 Q. Did you see people being taken away or disappear when you were  
25 working in Tram Kak district?



1 A. I noticed some disappearance but I asked people and people  
2 told me that they don't know what happened to them because they  
3 were sent for re-education by the Angkar. That's all I know.

4 MR. PRESIDENT:

5 So Court officer, could you coordinate to take him out for  
6 medication or treatment?

7 Mr. Co-Prosecutor, you may proceed.

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. Thank you.

10 <Mr.> Witness, you were speaking about some people who  
11 disappeared. Did this happen often? And can you give us the names  
12 of <> some <of the persons> <> who disappeared, <whom> you knew?

13 MR. EM PHOEUNG:

14 A. I don't know the one who disappeared.

15 [10.46.27]

16 Q. I am not sure that we understood each other. I don't know if  
17 this is a translation issue. You're telling -- you just told us  
18 that some people had disappeared, <taken> to be re-educated. And  
19 I would like to read out to you an excerpt of your written record  
20 of interview before the Co-Investigating Judges: E3/5133, on page  
21 5 in French, at number 00702336; English, <> on page 4 -  
22 00223200; and Khmer, on page 4, 00165261. And this is what you  
23 told the investigators -- and I quote:

24 <>"I met Nop Nem and his wife, Kim Nova, and we worked together.

25 And later on, Angkar proposed to this couple and to their

1 daughter to take them away. Since <then,> these people have  
2 disappeared forever." End of quote.

3 Can you tell us what happened exactly with Nop Nem and Kim Nova  
4 and can you tell us who-- <who they were> exactly?

5 A. The couple -- they were the supporter when I was in Phnom Penh  
6 and during their evacuation, they were sending to Angk Roka and  
7 they were also working in a worksite at <the east of> Angk Roka,  
8 and later, Angkar proposed to take them<, along with their  
9 daughter,> away, and later, they disappeared forever. I don't  
10 know what happened to them.

11 [10.48.44]

12 Q. And when you say that Angkar proposed to take them away,  
13 according to you, did they have the choice of leaving or were  
14 they <forced> to leave?

15 A. No. They were left with no choice. They could not complain  
16 because <initially> they had no idea where Angkar will send  
17 <those 17 April People> to. They didn't understand the policy or  
18 the plan of Angkar and they were told that Angkar proposed them  
19 to go to another place and they didn't ask any questions for any  
20 clarification so -- and they told the Khmer Rouge the true story  
21 of their past so they were taken away and disappeared.

22 Q. Well, with regard to their past exactly, did you know what Nop  
23 Nem and Kim Nova's occupation was before the arrival of the Khmer  
24 Rouge?

25 A. Both of them were movie stars: Nop Nem and Kim Nova. They were

1 the famous movie stars. Their house was <in Phnom Penh near Indra  
2 Devi High School> in Tuol Kork area.

3 Q. Fine, thank you. Now I would like to ask you -- or put to you  
4 two questions with regard to the prisons. Did you hear about a  
5 prison that was located in Angk Roka? When you were there on  
6 site, did you hear about a Khmer Rouge prison in Angk Roka?

7 A. No, I didn't see that.

8 [10.51.00]

9 Q. Did you ever hear about another security centre located in  
10 Krang Ta Chan in the district of Tram Kak again?

11 A. I just heard about that but I did not witness anything because  
12 freedom of movement was prohibited. I did not go to that place  
13 because I was always stay in my village as instructed by the  
14 regime.

15 Q. What did you hear about Krang Ta Chan? Did you know exactly  
16 what it was? What happened to people who were sent there?

17 A. I heard from other people something but I don't know sure --  
18 for sure what has happened inside that security centre.

19 Q. And during the period when you worked in Tram Kak district,  
20 did you hear about what happened to people who were identified as  
21 <civil servants> of the Lon Nol regime or as soldiers or as  
22 officers of that same regime?

23 A. <I would like to tell that> those <> Lon Nol officials <>  
24 face<d> a lot of problem and also policemen, teachers,  
25 <soldiers,> professors are all -- are the target of the proposal.

1 They were proposed and taken away and I don't know their  
2 destination and what happened to them.

3 [10.53.35]

4 Q. You told us that they were targeted but how <> were the Khmer  
5 Rouge able to <know, to> identify them as <civil servants> or as  
6 former servicemen of the Lon Nol regime? How did the Khmer Rouge  
7 go about identifying them <or finding them>?

8 A. They used the method saying that Angkar need anyone who used  
9 to be officials -- official during Lon Nol and during Sihanouk  
10 regime and Angkar need them to do the job for them because they  
11 don't have <enough> people <for work>. And those people who had  
12 no idea what happened to them in the future and they told the  
13 Khmer Rouge the truth of their past but a few of them had an  
14 idea, who hid their identity who could survived -- only very few  
15 of them.

16 Q. You, as a Buddhist monk, do you know what happened back then  
17 to the Wat Champa Leuk Pagoda - Champa, C-H-A-M-P-A; Leuk,  
18 L-E-U-K -- in Tram Kak district after the Khmer Rouge took power?  
19 Did you hear about this back then?

20 A. No, I don't know anything what happened in that pagoda because  
21 I had to stay in my village, in my commune. I was not authorised  
22 to move around so I had no idea what happened there.

23 [10.55.41]

24 Q. And in your village, in your unit or in your commune, did you  
25 ever meet people who were working there and who originally came

1 from Kampuchea Krom, who <>spoke with an accent?

2 A. No, I didn't see anyone, like you mentioned, at my place.

3 Q. And during the period when you remained at Wat Angk Roka and  
4 in <then> during the period in which you worked in Tram Kak  
5 district, did any senior leader, that is to say, at the District  
6 level or the Sector level or the Zone level or from the Centre,  
7 did any of these senior officials come to visit the place where  
8 you were working?

9 A. No, I didn't see any who were -- anyone who is senior leader.  
10 I know only people who were supervised me when I was working at  
11 the worksite.

12 Q. Fine. Now I would like to get back to the meeting that you  
13 spoke about at Angk Roka during which you were given clothes and  
14 during which you were told you had to be defrocked. And you said  
15 that the person who was chairing that meeting came with  
16 militiamen. Among them, were there armed militia men?

17 A. Yes. All militia men were armed. They would bear arms, rifles,  
18 when you moved -- from when they moved from one place to another  
19 so they would follow the cadres from one commune to another with  
20 the rifle along.

21 [10.58.15]

22 Q. Thank you. At Angk Roka, as far as you know, was there ever a  
23 meeting during which the monks were told to defrock or were there  
24 several at different times?

25 A. It was the only meeting at Angk Roka Pagoda and we were

1 instructed to <leave the monkhood to> do labour for them.

2 Q. Now, I would like to read an excerpt of your written record of  
3 interview and ask you if you were told this at Angk Roka. This is  
4 an excerpt that is in the same document -- that is to say

5 E3/5133; French, it's on page 5, 00702336; English, on page 5,  
6 00223201; and Khmer, page 5 as well, 00165262. And this is a

7 passage in which you say you met a monk later on close to Kampot

8 <in> Damnak Trayueng and you spoke about <> what was said during

9 certain meetings. So I quote:

10 The monk is asking<,> "<W>hat did Angkar speak about during that  
11 meeting?" and <you> answered: <"I told him> that we were summoned  
12 very often to meetings during which they would mock us." <>And a  
13 passage in quotation marks: "<F>or thousands of years, monks  
14 <have been> like worms and leeches. The mad men are on top and  
15 the idiots at the bottom." End of quote. So does this quote that  
16 say<s, "F>or thousands of years<,> monks <have been> like worms  
17 and leeches--<">, did you hear this at Angk Roka or in other  
18 places as well?

19 [11.00.31]

20 A. I would like to tell the Court of what I heard about the  
21 statement saying that Buddhists are leeches and worms. <I went to  
22 Kampot.> I went to see my monk teacher who was still in monkhood  
23 and he told me that he was called to the meeting. And he told me  
24 that the mad was on top and the stupid was under the monk <and  
25 all kind of despicable words>. And I told him that "you should

1 not try to stay; this is going to be very serious". He was 80  
2 years of age at the time and he said that "I don't care about my  
3 life; I'm old already". This is what I heard from him.

4 Q. Thank you. But can you tell us when you were told that monks  
5 were considered <to be> like <worms or> leeches? And who told you  
6 that?

7 A. It was heard during each meeting. It was well known during the  
8 meetings at the village or at the commune.

9 [11.02.14]

10 Q. Thank you. Now I would like to read out an excerpt from a  
11 written record of another person. I cannot give this person's  
12 name. This is the person with pseudonym <> 2-TCW-847. This is an  
13 excerpt describing a meeting at Angk Roka in which the monks were  
14 asked to defrock. And this is document E319.1.33. The relevant  
15 passage that I'm going to read out, <to the attention of the  
16 parties,> is at <questions and> answers 146 <through> 155. And  
17 I'm going to read out these excerpts, then I will have a few  
18 questions to put to you afterwards.

19 <>Question 146: "What happened to the Buddhist monks after the  
20 liberation of 17 April 1975?"

21 Answer <f>rom the other witness<:> "I saw that the monks were  
22 being defrocked."

23 Question: "Where and when did you see this happen?"

24 Answer 147: "I saw this in Angk Roka Pagoda, Tram Kak district  
25 towards the end of 1975."

1 "So how were the monks defrocked?"

2 Answer 148: "The Khmer Rouge organised a meeting during which  
3 they defrocked 30 or 40 monks."

4 "Who led this meeting?"

5 Answer 149: "It was one of Ta Mok's children, a head of district,  
6 <who> chaired that meeting." "What was his name?"

7 Answer 150: "His child was called Khom; K-H-O-M. It was a woman  
8 who was the <main> leader of Tram Kak district and she had  
9 occupied this position before <Chim, the chief of the district>.  
10 Khom was the wife of Ta Muth<, who was the chief of Division 2>."

11 <Question:> "How is it that you are aware of the Buddhist monks'  
12 defrocking?"

13 Answer 151: "I had to carry letters over there. I saw that they  
14 were <in the process of> defrocking monks."

15 "And what do you mean by 'in the process of defrocking monks'?"

16 Answer 152: "They declared that they no longer needed monks. They  
17 prepared a set of black clothes for the defrocked monks. And  
18 finally, they did not do this according to <religious> rituals."

19 Question: "Were there monks who <protested or> refused to  
20 defrock?"

21 Answer 153: "<> No one dared to contest this.<">

22 [11.05.32]

23 <I'm going to stop here.> So this is what another witness said  
24 regarding a meeting at the Angk Roka Pagoda.

25 Witness, can you confirm <this>? <> You told us that the meeting



1 took place, <I believe,> in 1976. The other witness was speaking  
2 about the end 1975 -- so what do you think about this? Do you  
3 confirm that this happened in 1976 or <could> it <have> happened  
4 at the end of 1975?

5 A. In 1976 of the monks had to leave the monkhood. So it happened  
6 in later 1975 and throughout through 1976, because by that time  
7 no monks were allowed to stay in monkhood.

8 Q. Thank you. This witness talks about a woman who was presiding  
9 <over> the meeting. She was the leader of Tram Kak district <and  
10 was> called Khom, <K-H-O-M>, child of Ta Mok. Have you ever heard  
11 of her name? Have you ever seen this person during the meeting at  
12 Angk Roka?

13 A. No, I did not recognise this person.

14 [11.07.07]

15 Q. The witness talked about 30 or 40 monks who were told to  
16 defrock all at once. Can you please tell us, during the meeting  
17 at Angk Roka, how many monks were concerned by <this> measure?  
18 How many monks were in the pagoda when you were ordered to  
19 defrock?

20 A. For the monks at Angk Roka Pagoda, in fact they were also  
21 gathered from <Seihak Rattanaram (phonetic)> pagoda in Takeo  
22 province, <before,> including the deputy monk chief of <Tram Kak  
23 district>. So we were all gathered together <there in order to  
24 work at Trapeang Andaeuk>. As for the monks, all the monks had to  
25 leave the monkhood by early 1976.

1 [11.08.13]

2 Q. Therefore, <if I've understood correctly,> you do not have an  
3 approximation of the number of monks who were concerned. Were  
4 there a few several monks, a few dozen monks, <a hundred, or>  
5 more?

6 A. Yes, that is correct. Because I did not know the exact number  
7 of the monks.

8 Q. Thank you. Have you heard about a monk called Ta Ech? Pardon  
9 my pronunciation, <I'll spell it:> -- E-C-H. This person <was>  
10 the head of a pagoda in Tram Kak.

11 A. Yes, I know Ech, who was a teacher -- Buddhist teacher at Angk  
12 Roka Pagoda.

13 Q. Do you know what happened to him <and whether> he opposed or  
14 protested the orders given to the monks?

15 A. I didn't know what happened to him. And I believed he was the  
16 last monk who left the monkhood.

17 [11.10.01]

18 Q. Thank you. I would like to read an excerpt from another  
19 testimony. This person has already appeared before this Chamber  
20 in Case 002/01. This person refers to the meeting at <the> Angk  
21 Roka <Wat>. The person is called Khiev Neou, who appeared on the  
22 20th of June 2012 <before a public hearing>. And the first  
23 reference is <E1/89.1>. At approximately 3.32 p.m., he says:  
24 "The monks <who> came from Phnom Penh and Takeo <> gathered  
25 together. We learned that Angkar ordered <us> to leave the

1 monkhood. And that's what <we did>. However, I do not recall the  
2 exact date. <But it> was after April 1975". End of quote.

3 [11.11.08]

4 Further on at 3.51, the witness stated: "As I stated <earlier>,  
5 the monks came from Takeo and Phnom Penh and they <> gathered at  
6 the <Angk Roka> pagoda. <I was also there.> I <> left the  
7 monkhood. I <was> defrocked, earlier. <I left the monkhood along  
8 with the others.>"

9 The next day -- and this is <document E1/90.1> at 9.09, Khiev  
10 Neou said the following: "At the time, we were told that Angkar  
11 told us to go to Angk Roka Pagoda."

12 And further on: "Do you know who told the monks to go to Angk  
13 Roka? Did they go on their own initiative or were they ordered  
14 <to go>?"

15 Answer: "I do not know the details. When we were discussing  
16 amongst ourselves, we realised that Angkar told us all to go to  
17 Angk Roka Pagoda."

18 And at 9.24, he said: "I <did> not see <any monk, whether  
19 high-ranking or novice,> refusing the order to defrock."

20 Do you know this monk who is called Khiev Neou? Did you meet  
21 Khiev Neou at <> Angk Roka <pagoda> during the period that you  
22 were both there?

23 A. Khiev Neou used to be a monk in Phnom Penh through - at Moha  
24 Montrei Pagoda.

25 [11.13.10]

41

1 Q. I'm just awaiting the interpretation of the last segment of  
2 your response, <that I have not yet heard>.

3 Mr. Witness, can you please repeat the last sentence that you  
4 said -- you said he <was a monk, and> was in a pagoda in Phnom  
5 Penh and then you stated something afterwards; what was it?

6 A. Khiev Neou <previously> resided at Moha Montrei Pagoda in  
7 Phnom Penh, and later on I did not know where he <resided>  
8 because I did not see him.

9 Q. Thank you. From his testimony, it would seem that monks <who  
10 came> from Takeo and Phnom Penh were not at Angk Roka  
11 coincidentally, but that they were given orders by the Khmer  
12 Rouge to gather there. You stated that earlier. Do you agree with  
13 him on that point? Did the Khmer Rouge <direct you towards this  
14 pagoda>, specifically?

15 A. That is not wrong.

16 [11.14.45]

17 Q. When you received the order to leave the monkhood, <given that  
18 you were a monk,> was it easy for you to follow the orders of the  
19 Khmer Rouge? <D>id you attempt to disobey or was there anything  
20 preventing you from disobeying those orders?

21 A. As for leaving the monkhood, all monks did not dare to refuse.  
22 Some elder people appealed to us that we could no longer stay in  
23 the monkhood and that we had to leave the monkhood in order to be  
24 in peace and that we had to follow the instructions <of the  
25 Angkar>.

1 Q. <But> what were you afraid of exactly at the time?

2 A. We were afraid because there were instructions from Angkar and  
3 if we didn't follow it, that would be a matter that we had to  
4 concern about.

5 [11.16.20]

6 Q. Thank you. I'd like to address the ensuing period when you  
7 went to Kampot, <to--> the Damnak Trayueng monastery -- you  
8 mentioned this earlier -- and you said that <you met a monk there  
9 on site>. When you arrived at the monastery, was Damnak Trayueng  
10 Pagoda <still> being used by monks <or> by practising Buddhists  
11 or was it being <used> by the Khmer Rouge for other purposes?

12 A. No, it was not yet turned into something else by the Khmer  
13 Rouge, as some monks still remained at that pagoda.

14 Q. What happened to the monks who were living there? After  
15 leaving the monastery, <> did you learn about what happened to  
16 the <last> monks who were <> there at the time?

17 A. The monk was accused of burning the scarf <and saffron> and  
18 that he refused to <share with> the youth group<, then it became  
19 a trouble>. He had a nephew who worked at the Kampot province and  
20 then he came with him on a horse cart and then he disappeared<.>  
21 I didn't know what happened to him. And I learned this  
22 information through a meeting held by the commune level and that  
23 Angkar took him away.

24 [11.18.34]

25 Q. Can you please provide us the name of the venerable person who

1 refused to leave the monkhood? What were his duties at Damnak  
2 Trayueng Pagoda?

3 A. His name was Soy. He was the chief monk of that pagoda and he  
4 was quite old. At that time, he was <over> eighty-something years  
5 old.

6 Q. Did you learn why he disappeared? <Or>, do you know what  
7 offence he allegedly committed?

8 A. I did not know what happened. As I said, I learned of that  
9 information when we the youth group were called to attend a  
10 meeting and that he disappeared. <They took him to Kampot.> And I  
11 only learned it through the meeting. Because he didn't follow the  
12 instructions of Angkar. And that's all I knew about him through  
13 the meeting.

14 [11.19.57]

15 Q. Aside from the venerable Soy, were there other monks from  
16 Damnak Trayueng Pagoda who died under the Khmer Rouge regime?

17 A. I did not know and I think there was no other monk except him.

18 Q. I would like now to ask you a question about what happened <>  
19 at Chum Kriel Pagoda, <still in Kampot>. At a certain point in  
20 time, <even after the regime> did you ever learn about what Chum  
21 Kriel Pagoda was used for during the Khmer Rouge regime?

22 A. I only knew about this when -- in 1979 or '80/'81, when I  
23 returned to stay at Chum Kriel Pagoda, <in Kampot,> I saw a  
24 hospital cross sign there and I was told that it was turned into  
25 a hospital for the <Srae Ambel> unit. And that was the base for

1 the <Srae Ambel> workers there at the pagoda. And the schools  
2 were turned into the sleeping quarter for the <> workers.

3 [11.21.54]

4 Q. You worked at Chum Kriel after the regime, if I understand  
5 correctly. Did you see any <monks, any> former monks of Chum  
6 Kriel Pagoda return to the pagoda following the fall of the Khmer  
7 Rouge?

8 A. No, there was none. <All disappeared.> I went to stay at the  
9 Chum Kriel Pagoda in 1981 after I had been re-ordained and I did  
10 not see any previous monks who used to stay there returned. And I  
11 asked the elder in the villages if there were any other monks  
12 returned and they said "no, none of them returned and maybe they  
13 all had died".

14 Q. I will conclude, Mr. Witness, with a few general questions on  
15 Buddhism during the Khmer Rouge regime. Before interviewers from  
16 the DC-Cam, you stated that a monk was killed in Samraong  
17 district in Takeo -- <it could also be> the Samraong commune in  
18 Takeo. Can you please describe to us what you saw or what you  
19 described to the interviewers?

20 [11.23.28]

21 A. As for the event leading to the death of a monk at Angk Prey  
22 Pagoda in Samraong commune, I did not witness it myself but there  
23 was a fellow monk who was there. And when I met him, he told me  
24 about it, that they were cruel at the time and if they didn't  
25 like it, then they would kill the monks. And I asked "who were

1 they?" And he told me it was the Khmer Rouge. And a monk was  
2 killed by Angkar and was buried near the vicinity of the pagoda  
3 compound. <I was told this by a fellow monk who studied together  
4 with me.> I was <further> told that I should not have any  
5 conflict with Angkar or Angkar instructions and that we all  
6 should be patient and follow their instructions, otherwise we  
7 would be killed by Angkar. Angkar only wanted people who did not  
8 dare to refuse or to make any protest against them.

9 Q. Do you know of any examples in Cambodia of monks who  
10 <>continued <wearing the frock,> practising Buddhism, who would  
11 have continued living in pagodas during the 1976 to 1979 period?  
12 Did you meet any monks who <had> continued to practise, after  
13 1979?

14 A. <Such words are not appropriate.> During the period of 3 years  
15 8 months and 20 days, there was no longer any Buddhist monk who  
16 was still in monkhood. And that applied throughout the entire  
17 Cambodia. We all had to leave monkhood and to engage in labour  
18 regardless whether they were young or old. And for older monks,  
19 even if they could not carry earth, they had to make the basket  
20 for the younger monks to carry the earth. Nobody was free during  
21 the regime and nobody-- nobody at all was in monkhood throughout  
22 the country and that is to my best knowledge.

23 [11.26.25]

24 Q. During the meetings in Tram Kak district, did Khmer Rouge  
25 cadres tell you explicitly that the Buddhist religion was



1 henceforth abolished<,> <that it was> no longer in existence?

2 A. The -- their principle is that there would be no longer any  
3 Buddhism in Cambodia because they said that Buddhist religion  
4 would lead to no progress at all, because then there would be  
5 more free people who would sit still, who would do nothing and  
6 just freely enjoy the food offered by other people. And that such  
7 culture would no longer exist and that only the culture of  
8 engaging in labour would follow.

9 Q. Thank you. One final question, <Venerable>. You've talked to  
10 us about Angk Roka Pagoda in Tram Kak district, as well as  
11 <Damnak> Trayueng and Chum Kriel pagodas in Kampot. Did you ever  
12 see or <hear, during the Khmer Rouge> what other pagodas were  
13 used for <in Takeo or in Kampot? W>hat <were the> pagodas <> used  
14 for <under> the Khmer Rouge regime if Buddhism no longer existed?

15 A. Majority of the pagodas turned into prisons. The temples were  
16 also turned into prisons. They make holes along the temples'  
17 walls and use a metal bar to shackle prisoners. And <small  
18 numbers> of the temples <on the other hand> had been turned into  
19 pig pens.

20 [11.28.42]

21 Q. One final follow-up question. You talked about temples that  
22 were transformed into prisons. Do you <remember> the names of  
23 <certain-certain> pagodas <that> were converted into prisons?

24 A. No, I cannot recall the names of those pagodas. There were  
25 several in fact- because it was easier for them to transform

1 pagodas into prisons because the temples in the pagodas were made  
2 of concrete, so they could make holes and then they could insert  
3 a metal bar of 20 millimetre diameter to shackle the prisoners  
4 inside. <This> also happened in Kampong Tralach district in  
5 Kampot province, in Angkor Chey, <Ouchheuteal,> and in other  
6 places.

7 MR. DE WILDE D'ESTMAEL:

8 Very well. I thank you very much for your patience and for all of  
9 your answers<>. <I have finished>, Mr. President.

10 MR. PRESIDENT:

11 Thank you. And before we take a break, the Chamber will like to  
12 inquire from the Lead Co-Lawyer for civil parties, how much time  
13 do you anticipate in putting questions to <> venerable Em  
14 Phoeung?

15 [11.30.28]

16 MS. GUIRAUD:

17 Thank you, President. We would require 30 minutes in order to  
18 make up for the lost time from this morning.

19 MR. PRESIDENT:

20 And what about the defence teams, would you use the entire time  
21 allocated to you, that is one afternoon session?

22 MR. KOPPE:

23 Mr. President, I think we can finish this afternoon.

24 [11.31.21]

25 MR. PRESIDENT:

1 In order to ensure that the hearing -- testimony of the venerable  
2 Em Phoeung conclude today, the Chamber decides that the hearing  
3 will commence at 20 past 1.00 this afternoon in order to avoid  
4 any unnecessary delay.

5 The time is now appropriate for a lunch break. We will take a  
6 break now and return at 20 past 1.00 to resume our hearings. And  
7 that information is for the Parties and support staff.

8 And Court officer, please assist the venerable Em Phoeung during  
9 the break and invite him to return to the courtroom at 1.20 this  
10 afternoon.

11 And security guards, you are instructed to take the Accused to  
12 the waiting room downstairs and have him returned to participate  
13 in the proceedings before 1.20 this afternoon.

14 The Court is now adjourned.

15 (Court recesses from 1132H to 1322H)

16 MR. PRESIDENT:

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

18 I hand over the floor to the Lead Co-Lawyer to put questions to  
19 the witness, reverence Em Phoeung. You may now proceed.

20 QUESTIONING BY MR. VEN POV:

21 Thank you, Mr. President; and good afternoon, reverence Em  
22 Phoeung.

23 Mr. President, Your Honours, my name is Ven Pov. I am the civil  
24 party lawyer. I have a few questions, and after my questioning,  
25 the Lead Co-Lawyer, Marie, will put further questions.

1 Q. The question I am going to put to you concerns the statement  
2 you gave to the Co-Investigating Judges' Office. The document  
3 number is E3/5133.

4 Mr. President, I would like to quote the statement from this  
5 document: ERN in Khmer is 00165260; English, ERN 00223199;  
6 French, ERN 00702334. The question relates to the period before  
7 17th April 1975, and the question is that, how many members were  
8 there in Sampov Meas Pagoda? And you said that you did not know  
9 the exact numbers of monks there, but you know that there were  
10 many monks because some monks were from <other> province<s>, and  
11 they also stay<ed> in that pagoda. Did anyone tell you that some  
12 monks were from <other> province<s> and stayed with you in the  
13 same pagoda?

14 [13.25.32]

15 MR. EM PHOEUNG:

16 A. Some monks were from <other> province<s> and they <came to the  
17 city>. There was <> oppression against monks so they moved to  
18 live in <the city> at that time.

19 Q. Thank you. Could you clarify? You said there was oppression at  
20 that time. And who oppressed the monks at that time?

21 A. During that time the country was not yet liberated and Khmer  
22 liberation --<it was still in the time of Khmer Republic,> and  
23 during that time monks escaped to live in Phnom Penh to stay away  
24 from the American bombing. So they moved to live in the pagoda in  
25 Phnom Penh.

1 Q. You mean that some monks escaped to Phnom Penh to stay in the  
2 pagoda. They moved because <of the war>. Is that true?

3 A. Yes, because of the war, the monks moved to live in Phnom  
4 Penh<; since there was no peace in remote areas>.

5 [13.27.23]

6 Q. Thank you. My next question is that I want to clarify from you  
7 when you saw some monks escape to live in pagodas in Phnom Penh.  
8 Did you witness, yourself, that some monks got <wounded or died>  
9 because of fighting at that time, or did anyone tell you about  
10 this?

11 A. As for injuries on monks, I did not know.

12 Q. Thank you very much. I would like to know about the evacuation  
13 on 17 April 1975. This morning you already mentioned that on the  
14 night of 17 April 1975, at 10 p.m., Khmer Rouge came to threaten  
15 monks to leave the pagoda. My question is as follows: During that  
16 night, did you witness by yourself or was anyone told you that  
17 monks in that pagoda were defrocked immediately on that night?

18 A. On the 17 April 1975, I did not know about whether monks were  
19 defrocked on that day because we were all afraid. We were all  
20 terrified. <When the Khmer Rouge came in,> we did not know  
21 whether we could live in peace <or not>. So we did not know. At  
22 10 o'clock, after that -- and after that, at 10 o'clock, we were  
23 told to leave the city for seven days so we could only bring an  
24 umbrella and our clothing. So we were told as such. So at 10  
25 p.m., we were ordered to leave.

1 [13.29.25 ]

2 Q. Thank you, Reverence. My next question concerns your statement  
3 this morning. You said that after one month of the evacuation you  
4 arrived at Angk Roka Pagoda in Tram Kak district. During the  
5 period of more than one month while you were travelling, did  
6 anyone tell you or were you told that monks were defrocked and  
7 did not have enough food along the way? Or were they -- told you  
8 that monks got injuries?

9 A. I did not know about this because we were on our own. I had  
10 students going with me and other monks, they had their own  
11 students with them. So we were all afraid.

12 Q. Thank you, Reverence. I need a clarification from you as well.  
13 This morning you said, on 17 April 1975, Khmer Rouge kept 20  
14 monks and you mentioned one name -- that is, Huot Tat. Do you  
15 recall what -- did you recall the position of Huot Tat at that  
16 time?

17 A. He was the patriarch. He was referred to as Patriarch Huot  
18 Tat.

19 [13.31.24]

20 Q. Thank you, Reverence. I have a few more questions in relation  
21 to Tram Kak work sites, particularly Angk Roka Pagoda. You  
22 mentioned repeatedly already, and you have answered to the  
23 questions by OCP as well, but I need a clarification from you.  
24 You said there were no monks from early 1976. What do you mean?  
25 You mean there were no monks at all around the country in early

1 1976? Or there were <no more> monks <only> in Angk Roka?

2 A. My assumption is that there were no more monks at that place,  
3 because I could see no monks.

4 Q. Thank you, Reverence. In relation to another matter from 1975  
5 to 1976, you said that there were no monks at your area<, meaning  
6 during the time that there were still monks>. My question is:  
7 When people passed away, were villagers allowed to invite monks  
8 to conduct any Buddhist rituals?

9 A. Before 1976, yes, monks could attend Buddhist rituals for the  
10 funeral. <After '76,> lay people <>did <that> by their own,  
11 meaning that they held the ritual and they buried the bodies. <At  
12 that time,>, I <was already defrocked and served as a clergyman>  
13 to <bury those bodies>.

14 [13.33.38]

15 Q. And at the time, did the leaders of the region allow the  
16 rituals to be held in <Angk Roka Pagoda>?

17 A. No, they did not allow us to hold any rituals.

18 Q. This is my last question. It is about the time that you were  
19 in Angk Roka Pagoda and you were with monks from Takeo province.  
20 From the fall of the Khmer Rouge, did you ever meet monks who  
21 used to stay with you in Angk Roka Pagoda? Did some of those  
22 monks survive the period?

23 A. I have never seen them<.> I asked people around and I could  
24 not see any monks who used to live with me.

25 MR. VEN POV:

1 Thank you, Reverence. That concludes my questioning.

2 Thank you, Mr. President.

3 [13.35.06]

4 QUESTIONING BY MS. GUIRAUD:

5 Thank you, Mr. President. <Greetings Mr. Em Phoeung.> My name is  
6 Marie Guiraud and I am one of the civil party lawyers, and I have  
7 a few brief questions to put to you this afternoon.

8 Q. My first question: I wanted to know how you experienced the  
9 fact of no longer being able to practice your religion during the  
10 Democratic Kampuchea regime. Can you explain to us what you felt  
11 in relation to the fact that it was impossible for you to  
12 practice Buddhism during that period?

13 MR. EM PHOEUNG:

14 A. I felt the same as others felt because, at that time, we were  
15 under their instruction and we only did -- we did what we could  
16 in order to survive.

17 Q. Thank you. You also said this morning when you answered a  
18 question that was put to you by <our colleague> the  
19 Co-Prosecutor, that you continued praying in secret. Did I  
20 understand your <testimony> correctly<>?

21 A. Yes, that is my statement. We conduct preaching in secret at  
22 night-time.

23 Q. Can you provide us with a bit more information <and  
24 explanations in relation to> these prayers at night? Who attended  
25 these sessions? <How often were they held?> How were things



1 organised? Can you be a little more specific about that?

2 A. Actually, we reminded about our Buddha teachings after we went  
3 to sleep. So we keep praying in secret before we went to bed.

4 [13.37.55]

5 Q. Thank you. I also wanted to know, Reverence, if you were  
6 married during the Democratic Kampuchea period, <> more  
7 specifically, between 1976 and 1979?

8 A. No. No. There were -- I was alone. I have never gotten  
9 married.

10 Q. Thank you. Now I'm going to quote an excerpt from the  
11 interview you provided to DC-Cam in January 2005, and I'm going  
12 to quote a passage which is on page 5 in the French version,  
13 French, ERN 00655661; English, <ERN> 00350101; Khmer, <ERN>  
14 00088474. And this question that I just put to you was put to you  
15 in 2005 by the person who interviewed you at DC-Cam, and I would  
16 like to read out the excerpt that we would like to focus on  
17 today.

18 So question: <> "Under the Khmer Rouge regime, after you had  
19 given up your position as a monk, did the Khmer Rouge force you  
20 to get married?"

21 Answer: "Yes, but I opposed myself to this."

22 Question: "Did your <refusal> offend the Khmer Rouge?"

23 Answer: "Well, let me tell you my story; <it> was rather  
24 <particular>. On the one hand the <residents, the elderly> in the  
25 village who knew me since I was a child often told the Khmer

1 Rouge to not hurt me and that they explained that they knew me  
2 since I was very, very small. On the other hand, since this is a  
3 taboo story and since this is a question of faith, when I was  
4 forced to get married, I answered I did not need any woman,  
5 comrade, because I have rice available and people to take care of  
6 me. And if ever I fall sick I will go directly to the hospital.  
7 There is no <need> to make life more difficult and I don't have  
8 the time to feed <a wife> because I have to work every day. So  
9 people stopped <bothering> me and they told me that I was right."  
10 Do you remember saying this, witness?

11 A. Yes, this is my statement and I <was also forced but I> did  
12 not agree to have a wife.

13 [13.41.07]

14 Q. Can you please tell us who asked you to marry?

15 A. The <> village chief, rather.

16 Q. Did the person explain to you why you should get married?

17 Perhaps I'll repeat my question. <> Did the chief of the village  
18 <explain to you> why you should get married?

19 A. They said nothing. You -- they said that you are rather old so  
20 you should get married. And I said no, no, no, I did not need a  
21 wife, because Angkar is -- Angkar was magic and food was magic.  
22 Everything was magic. <I did not need a family to take care of  
23 me.> And after that, they kept silent and I did not get married.

24 Q. How was the proposal made? Were they quite insistent? Or after  
25 you indicated you didn't want to get married, as you stated in

1 your statement, <did they stop bothering you>? <>

2 A. They kept silent; they ignored me until the liberation.

3 [13.43.11]

4 Q. Thank you. At the time, did you know of other monks, such as  
5 yourself, who were defrocked and then who <were married off>?

6 A. Yes, there were some other monks who were forced to get  
7 married. One of my friends was ordered to get married, and we  
8 agreed with each other that after the country was liberated we  
9 would go to be monks again. But at the time, he was <cheated> and  
10 he got married anyway.

11 Q. And why, to your mind, <> did he respect the instruction to  
12 marry, and why were you able to refuse? In the interview that I  
13 quoted from earlier, you said that your story was "particular".  
14 Can you explain to us <what makes> your story <> rather  
15 particular, <as you refer to it>?

16 A. My story was rather strange compared to other stories because  
17 even I deny to get married I did not have any problem. And some  
18 of my colleagues <> got married in a group of 10 or 20. And as  
19 for me, <I categorically rejected,> it was a strange story  
20 because I was not mistreated, and I got no problem, although I  
21 disagreed to get married.

22 [13.45.10]

23 Q. Upon reading the interview that you gave to DC-Cam, you said  
24 that the village <elders> had known you since your childhood. Do  
25 you think the fact that the <village elders> had known you, that

1 had an impact on your ability to refuse marriage?

2 A. Local people helped me because I became a monk since I was a  
3 young child, and they knew me. And those villagers have told the  
4 cadres <I was> a monk -- I <had> never entered into military  
5 service. So I was a monk since I was a child.

6 Q. Thank you. You've just stated, during a previous answer, that  
7 group marriages comprised 10 to 20 people. I would like to know  
8 if you personally ever attended any of these ceremonies.

9 A. Yes, I attended the marriage ceremonies and I was asked to  
10 preach during that ceremony. <I served as a> clergyman <and was  
11 asked to> preach <for new couples>.

12 [13.47.10]

13 Q. Could you please contextualise these marriages and the  
14 prayers? <Because earlier> you stated that after 1976, there were  
15 no longer any prayers. <Did these> marriages <take place> before  
16 1976 or after 1976?

17 A. During Pol Pot's time, a couple were asked to make a  
18 resolution. In 1970 -- it was in 1977 and '78. There were no  
19 monks and they knew that I was once a monk so I was asked to help  
20 in the Buddhist ceremony, particularly in the ceremony that <new>  
21 couple<s> were asked to make a resolution.

22 Q. Just to be clear, in 1977 and 1978, even though you were  
23 defrocked, you were asked -- and I would like to know who asked  
24 you? Exactly who asked you to <still> perform the prayers during  
25 the marriages? Do I understand correctly?

1 A. Yes, that is correct. Because cadres knew me and I was invited  
2 to preach.

3 Q. Can you please tell us very quickly, and this is my last  
4 question: When did the marriages occur? Were they held during the  
5 day, <more towards> the evening, did it vary? And generally  
6 speaking, how many couples were married? And <> who presided over  
7 the wedding ceremonies?

8 A. In my village, there was one ceremony only at a time  
9 <conducted at the kitchen>. It was at night-time when people were  
10 asked to make a resolution. During the time, there were about 30  
11 couples. After dinner, the ceremony was held. People -- the  
12 couples were asked to make a resolution at that night.

13 [13.50.00]

14 Q. Thank you. Do you recall who presided over the marriage  
15 ceremonies?

16 A. Village chief held the ceremony<; the village committee was  
17 responsible to organise> the ceremony or party.

18 MS. GUIRAUD:

19 Thank you, Mr. Witness, for having answered my questions. Mr.  
20 President, that concludes my line of questioning.

21 MR. PRESIDENT:

22 Thank you. Now I give the floor to the defence counsel for the  
23 Accused. It's -- the counsel for Nuon Chea starts first.

24 And Court officer, you are instructed to adjust the microphone to  
25 the <west> so that it can get the voice. Now, the counsel for Mr.

1 Nuon Chea, it is time for your line of questioning.

2 [13.51.17]

3 QUESTIONING BY MR. SUON VISAL:

4 My respect to Reverence Em Phoeung; Your Honours, my name is Suon  
5 Visal, I am the defence counsel for Mr. Nuon Chea. I have a few  
6 questions for you. My first question relates the Buddhist or  
7 religious practice.

8 Q. You have just said that during the ceremony, during the  
9 wedding ceremony, the village chief asked you to preach in that  
10 ceremony. What about other ceremonies, such as funerals <or other  
11 ritual acts,> were you also invited to preach?

12 MR. EM PHOEUNG:

13 A. No, I was not invited in other occasions or ceremonies. The  
14 wedding ceremony was the only one opportunity that I was invited  
15 to be there and preach <in times of collapse, 1975>.

16 Q. Thank you, Reverence. Before you responded this you mentioned  
17 that during the funeral, the village chief invited you to be  
18 there and act as a clergyman. And where was the ceremony held?

19 A. It was held in my village in Pol Pot's time. There were bodies  
20 and I was asked to be there and help and to be both a monk and a  
21 clergyman. And after the ceremony, the body was buried or were  
22 cremated.

23 [13.53.25]

24 Q. Thank you. In that ceremony on the day, were you practise --  
25 did you practise according to the Buddhist rituals?

1 MR. PRESIDENT:

2 Reverence, please hold on.

3 Counsel, you are instructed to wait for a few minutes, because  
4 there is a technical matter in relation to transcripts.

5 (Technical problem)

6 (Short pause)

7 [13.59.00]

8 MR. PRESIDENT:

9 Due to some technical matters, in particular there is a problem  
10 with the transcription problem, the Chamber will take a 15-minute  
11 break and we will resume at 10 past 2.00. And -- is it working  
12 now? It seems that the matter has been solved so let we continue.  
13 And Counsel, you may proceed.

14 [13.59.57]

15 BY MR. SUON VISAL:

16 Q. Venerable, I asked you the last question, if you can recall,  
17 please respond.

18 MR. PRESIDENT:

19 Counsel, please rephrase or repeat your question.

20 BY MR. SUON VISAL:

21 Q. When you worked as achar during that ceremony, did you follow  
22 the Buddhist practice of ritual or ceremony?

23 MR. EM PHOEUNG:

24 A. Yes, we followed the Buddhist ritual. <There was nothing  
25 much.> There was a process of taking the dead body for the

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1 cremation, or sometimes for burial. It was a typical religious  
2 ceremony.

3 Q. Did you also pray or provide a sermon?

4 MR. PRESIDENT:

5 Please, witness, wait for the microphone's activation before you  
6 respond.

7 MR. EM PHOEUNG:

8 A. I was allowed to provide a sermon in my village.

9 [14.01.16]

10 BY MR. SUON VISAL:

11 Q. Thank you. Did you -- did you practice that until the  
12 liberation of the country in 1979? Or when did you stop doing so?

13 MR. EM PHOEUNG:

14 A. There were no such ceremonies held by 1978.

15 Q. At one point you stated that when village chief asked you to  
16 get married because you were told that you were forced, can you  
17 tell us how were you forced to get married? Or whether there were  
18 any members of your family threatened?

19 A. I did not say I was forced. As for other villagers, they were  
20 forced to get married because they did not know them. So they  
21 just picked this woman or that man to be coupled, although they  
22 did not know each other, and that's what we call forced, but not  
23 in my case because I refused to get married.

24 [14.03.09]

25 Q. When you were asked to get married and you refused to do so,



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1 what happened to you? Were you mistreated or they threatened to  
2 arrest you?

3 A. No, there was no such thing until the fall of the regime.

4 MR. SUON VISAL:

5 Thank you. And Mr. <President>, I don't have any further  
6 questions for this witness.

7 MR. PRESIDENT:

8 Thank you. And Counsel Koppe, you have the floor now.

9 QUESTIONING BY MR. KOPPE:

10 Thank you, Mr. President, Your Honours. Venerable, I have a few  
11 additional questions to ask to you.

12 Q. Could you elaborate a little bit more on your preaching during  
13 the marriages, and what exactly did you say, what did do as what  
14 -- when you were attending these ceremonies?

15 MR. PRESIDENT:

16 Mr. Venerable Witness, please wait. And the International  
17 Co-Lawyer for civil parties, you have the floor.

18 MS. GUIRAUD:

19 <> Thank you, Mr. President. I have a very, very brief  
20 observation. Of course, I don't want to interrupt my colleagues,  
21 but it seems clear from the statement <by the Venerable Em  
22 Phoeung> that there had only been one marriage ceremony that he  
23 attended and not several, as the question suggested. So I wanted  
24 this to be clear.

25 [14.05.00]

1 BY MR. KOPPE:

2 Q. Mr. Witness, can you tell us what exactly happened or what did  
3 you do during this wedding ceremony during which you preached,  
4 gave prayers?

5 MR. EM PHOEUNG:

6 A. I preach the Buddhist discipline, and to give the blessing to  
7 the newly married couples, and I did that based on the  
8 instruction of the village chief <>.

9 Q. Thank you. I would like to take you back now to the interview  
10 that you had with DC-Cam in 2005, January 2005. Do you remember  
11 the foreign interviewer who took your statement?

12 A. It's been a long time. I cannot recall it.

13 [14.06.18]

14 Q. If I mention the name Ian Harris, would that ring a bell to  
15 you?

16 A. I only recall that there was an American woman who came to  
17 interview me.

18 Q. Thank you, Mr. Witness. It seems that your interview, the  
19 interview that you gave to DC-Cam in January 2005 was used by  
20 this gentleman, Ian Harris, in his book that he wrote about the  
21 subject called Buddhism under Pol Pot.

22 Mr. President, I would like to refer to page 272 of the book of  
23 Ian Harris called Buddhism under Pol Pot. It's ERN 00704135. And  
24 Mr. Witness, because it is not entirely clear how Mr. Harris came  
25 to all this conclusion, I would like to read a few passages from

1 his book, and ask you whether you know anything about it or  
2 whether you talked to other monks who know something about this?  
3 I would like to start, Mr. Witness, with a passage on page 149.  
4 It is document, but I am sorry, I forgot to say that E3/2818.  
5 There is only an English, ERN 0070412 <(sic)>. And I would like  
6 to read that and then I would like to ask your comment if  
7 possible.

8 [14.08.25]

9 "While this attitude towards the death might be characterised as  
10 the Khmer Rouge theoretical position, in reality, their attitude  
11 was some -- somewhat more ambivalent. For example, the elaborate  
12 funeral rites were held for Sihanouk's mother, Queen Kossamak at  
13 the Royal Palace in September 1975. Although most definitely not  
14 a public occasion, the ceremony was presided over by a number of  
15 monks who had come over to the Khmer Rouge in the early 1970s and  
16 was attended by Sihanouk, Khieu Samphan, and Son Sen. Nuon Chea's  
17 mother also received a traditional Buddhist funeral at Wat Kor,  
18 Battambang around the same time, and there is some evidence that  
19 the possibility of a ritualised death could still be obtained by  
20 lower levels of society."

21 My question to you would be: Do you know anything about this or  
22 do you have anybody who told you about the funerals of Sihanouk's  
23 mother and Nuon Chea's mother?

24 A. No. I did not know anything about them. I only know that <the  
25 queen, the mother of Sihanouk,> passed away in China.

1 [14.10.16]

2 Q. And you also know nothing about the mother of Nuon Chea, and  
3 her funeral in Battambang?

4 A. That is correct. I didn't know anything about that.

5 Q. Do you remember in the days between 1975 and 1979 anything  
6 about Article 20 of the Constitution, the Constitution of DK,  
7 which is about worship and religion? Does Article 20 of the  
8 Constitution mean anything to you?

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

10 MR. KOPPE:

11 Mr. President, if you allow me, I would like to read Article 20,  
12 maybe that refreshes the memory of the Witness. It is E3/259, ERN  
13 -- English -- 00184838. I do not have the Khmer ERN right now,  
14 but Article 20, Mr. Witness, reads as follows:

15 Every citizen of Kampuchea --

16 MR. PRESIDENT:

17 Counsel Koppe, please wait. And the International Co-Prosecutor,  
18 you have the floor.

19 [14.11.54]

20 MR. DE WILDE D'ESTMAEL:

21 Yes. Thank you, Mr. President. Before this Court, <it is common  
22 to cite or reference> documents that were placed on <the>  
23 interface. <>I'm not sure that this document is part of the  
24 interface, <unless my colleague can correct me>. But in any case,  
25 I haven't found it on the <>defence's list. <Thank you.>

1 MR. KOPPE:

2 That's correct, Mr. President. The question came up this morning,  
3 but it is a very widely debated document in the first segment of  
4 the trial. So I trust the Prosecution to be very familiar with  
5 this provision, so if you allow me, I would like to read it to  
6 the witness.

7 Mr. Witness, the article -- the provision reads as follows:

8 "Every citizen of Kampuchea has the right to worship according to  
9 any religion and the right not to worship according to any  
10 religion. Reactionary religions which are detrimental to  
11 Democratic Kampuchea and Kampuchean people are absolutely  
12 forbidden."

13 BY MR. KOPPE:

14 Q. Now when I read this provision in the DK Constitution of 1976,  
15 does that ring any bell to you?

16 MR. EM PHOEUNG:

17 A. No, I'm afraid not. I did not see it in the Constitution, but  
18 I've heard people talking about it.

19 [14.13.27]

20 Q. Do you remember people, commune chiefs or any other Khmer  
21 Rouge cadres speaking about the freedom of religion, or you never  
22 heard this concept, discussed before?

23 A. During the Pol Pot Regime, nobody spoke about it. We all just  
24 kept silent, and kept it to ourselves.

25 Q. Thank you. I will move on to another topic, and there is also

1 a topic which is discussed in this book from Ian Harris. And he  
2 is discussing the fact that in the civil war, between 1970 and  
3 1975, many pagodas were destroyed, and maybe even up to two  
4 thirds of all pagodas, and many pagodas were also destroyed  
5 because of American bombing.

6 What can you tell us about pagodas being destroyed in the civil  
7 war or destroyed because of US bombings?

8 A. During the republic -- the Khmer Republic regime of Lon Nol,  
9 there were fighting and then there were American aerial  
10 bombardments.

11 [14.15.12]

12 Q. But is it correct that many pagodas were destroyed by the  
13 bombs from the American planes?

14 A. Yes, some pagodas were hit by the aerial bombardment, in  
15 particular in remote locations. <Nevertheless, pagodas in the  
16 city were intact.>

17 Q. But you don't know numbers? Was it correct that two thirds of  
18 pagodas -- of the pagodas were destroyed in the civil war or does  
19 that figure mean nothing to you?

20 A. I do not have that knowledge.

21 Q. I apologize.

22 Mr. Witness, do you know anything about the burning of Buddhist  
23 books or manuscripts during DK?

24 A. During the DK regime<, under the control of Pol Pot>,  
25 everything was destroyed. The Buddhist manuscript, for example,

1 that were made from palm tree leaves, they torn them -- they torn  
2 them apart and used them as hats. And I personally witnessed it  
3 being destroyed and used it. <We dared not to say anything.> Even  
4 the Buddhist painting was torn away and destroyed or some were  
5 used to -- to be used as hats.

6 [14.17.20]

7 Q. Thank you, Mr. Witness. Some other questions relating to what  
8 happened in Tram Kak district; you said something about working  
9 hours. Do you -- if I recall your testimony correctly, you said  
10 that working hours were from the morning until 6 p.m.; is that  
11 correct?

12 A. I didn't know the details. I only saw it at the night-time,  
13 but not during the daytime<; something related to the  
14 resolution>.

15 Q. Let me - let me rephrase my question. When you were working,  
16 building dams and dykes, were you working normally until 6  
17 o'clock in the night?

18 A. Yes, that is correct.

19 Q. And was that the average working hours? What is the average  
20 working hour? Did you sometimes also, incidentally, work in the  
21 evening or never?

22 A. During the 3 years, 8 months and 20 day period, we never  
23 stopped before the set time and sometimes we had to even work  
24 longer than the set time, and that's what I <personally>  
25 experienced during the regime.

1 [14.19.10]

2 Q. But was that only sometimes, for instance, during the harvest  
3 or was that more than incidental, would you be able to remember?

4 A. Please repeat your question. I cannot get your question.

5 Q. Working in the dark, at night, was that only sometimes, or  
6 more frequently?

7 A. It was rather frequent; for example, during the rainy season,  
8 we had to pull the rice seedlings. Actually, we <stopped at 10>,  
9 and after that we had to go and work again.

10 Q. But that was only during particular periods in the year; is  
11 that correct?

12 A. Yes, it was during the rainy season, and during the dry season  
13 we had to deal with digging canal or building dams.

14 Q. One last question on that subject, Mr. Witness, is the food  
15 situation. Would you be able to tell if the food --

16 MR. PRESIDENT:

17 Counsel Koppe, please wait. There is no sound through the French  
18 channel; and Court officer, could you check with the AV Unit?

19 (Short pause)

20 [14.21.16]

21 MR. PRESIDENT:

22 Counsel, please, you have the floor and please repeat your last  
23 question.

24 BY MR. KOPPE:

25 Q. My last question, Mr. President, Mr. Witness, was about the



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1 food situation. Would you be able to tell if --

2 MR. PRESIDENT:

3 Please wait.

4 Court officer, could you check Judge Lavergne headset; maybe it  
5 runs out of battery?

6 Counsel Koppe, please proceed.

7 BY MR. KOPPE:

8 Q. I will repeat my question again.

9 Mr. Witness, you told us earlier about the food situation in DK  
10 in the time you were there. Do you -- would you be able to tell  
11 if there was an improvement in the food situation, in the food  
12 that was provided to you and others? Was the situation better in  
13 1976 and 1977 and better than in 1975, for instance?

14 MR. EM PHOEUNG:

15 A. As for my village, people were divided into three groups. One  
16 was <> the <main> force, the second group was an ordinary force,  
17 and the third group was the elderly; and from 1975 through 1976,  
18 the food was scarce, and only before the <collapse> in 1979,  
19 <there was some changes,> rice -- cooked rice was rather provided  
20 in terms of replacing gruel, and we were told that due to the  
21 improvement of the livelihood and living condition, then the cook  
22 was instructed to provide us sometimes with the cooked rice, and  
23 that happened toward the later regime of the Khmer Rouge: <'77>  
24 or <> '78 <>.

25 [14.23.51]

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1 Q. Did I understand you correctly then, if I paraphrase, the food  
2 situation got better in '78 and '79 than it was in the first two  
3 years of DK?

4 A. Yes, it became better. But I talked about the cooked rice.  
5 However, as for the soup, it remained the same, just watery soup  
6 or with some local vegetable.

7 MR. KOPPE:

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

9 MR. PRESIDENT:

10 Thank you. And the floor is now given to Khieu Samphan's defence.

11 QUESTIONING BY MR. KONG SAM ONN:

12 Thank you, Mr. President; and good morning, Your Honours. Good  
13 morning everyone in and around the courtroom, and good morning --  
14 good afternoon, Reverence. My name is Kong Sam Onn, defence  
15 counsel for Khieu Samphan. And I have some questions for you.

16 [14.25.15]

17 Q. This morning I listened to your testimony and you have made a  
18 statement about a meeting held at Angk Roka Pagoda. And in that  
19 meeting, there was a different interpretation of it. One was  
20 raised by the Prosecution based on a statement of another  
21 witness, and what you actually stated as you attended that  
22 meeting personally. My question to you is the following: For the  
23 meeting held at Angk Roka Pagoda on the issue of leaving the  
24 monkhood, can you provide a little bit further details?

25 MR. EM PHOEUNG:

1 A. As for the meeting for the monks to leave monkhood at the Angk  
2 Roka Pagoda, I didn't stay till the end of the meeting session  
3 because I came rather late from Phnom Penh to attend that  
4 meeting.

5 Q. Did you attend the meeting for one time only, as you stated,  
6 and as you just said, there actually was another meeting also  
7 before your arrival at Angk Roka Pagoda; am I correct in saying  
8 that?

9 A. I only can talk about the time that I arrived. I did not know  
10 about -- I did not know whether there was any previous meeting  
11 before my arrival, because other monks who arrived there attended  
12 the meeting with me, and we were instructed <> to leave the  
13 monkhood.

14 [14.27.25]

15 Q. Were you aware of previous meetings before your arrival, or  
16 were you told there were other meetings before your arrival?

17 A. I only heard from others.

18 Q. Regarding the meeting that you attended, can you tell the  
19 Court what time it was held, or what date, if you can recall it?

20 A. I cannot recall it. I did not pay attention to that at the  
21 time. I didn't know the exact date of the meeting, because we did  
22 not pay such attention to such a meeting.

23 Q. Can you recall how many people attended that meeting?

24 A. Through the announcement, there were chiefs of villages and  
25 chiefs of groups.

1 [14.29.02]

2 Q. How many participants attended that meeting; I mean the  
3 laymen, laywomen, and the monks?

4 A. As for the meeting involving the -- leaving the monkhood for  
5 the monks, there were not many monks. There were not many  
6 attendance, but for the common meeting, there were also many  
7 other laymen and women attended the meeting.

8 Q. Can you recall who actually presided over that meeting? I  
9 talked about the meeting that you were present?

10 A. There were members of commune and village and groups who  
11 attended that meeting.

12 Q. Were there discussions amongst the one who presided over the  
13 meeting, and the attendance, for example, the monks or the <>  
14 pagoda <members>?

15 A. No, there was no such conversation, because we only listened  
16 and listened to the instructions of Angkar. Nobody dared to raise  
17 any question.

18 [14.30.53]

19 Q. Can you elaborate a little bit further on the content of the  
20 meeting that you participated? Was it a meeting for the sake of  
21 instructing the monks to leave the monkhood <or to defrock the  
22 monks>? As I understand through your statement, you used  
23 different words or different terms. You stated about leaving the  
24 monkhood; however, the Prosecution talking about defrocking. Can  
25 you clarify the use of these terms, whether it was to leave the

1 monkhood or whether the monks were defrocked?

2 A. To my understanding, the two words are the same. It means --  
3 the end result means the monks would leave the monkhood. So there  
4 is no real discrepancy in this matter, because in the end we all  
5 become laymen.

6 Q. Thank you. In relation to the plan to defrock monks or to  
7 allow monks to leave monkhood, was it -- was the schedule set  
8 clearly when monks needed to leave monkhood or needs to be  
9 defrocked? Or did monks at Angk Roka Pagoda have the <choice> to  
10 leave monkhood at any time they wanted?

11 A. From my recollection -- and we were advised and instructed --  
12 we were asked to be in monkhood for a short period of time and  
13 after that we needed to leave monkhood to work as others.

14 Otherwise, we would have no food to eat because as a monk, we  
15 could only have morning meal, and at that time,<it was not like  
16 before,> it was revolutionary time. <As such,> they <all> had to  
17 work <> together. Some were working in agriculture, and some --  
18 agriculture field -- and some other were working in industrial  
19 field.

20 [14.32.21]

21 Q. Thank you. You -- did you witness yourself in relation to the  
22 monks who had been defrocked before you <during your stay in Angk  
23 Roka pagoda>?

24 A. I did not know about that because I had been in the city  
25 before I was there at Angk Roka Pagoda, so I did not know about

1 whether -- I did not know whether monks had been defrocked before  
2 I arrived there.

3 Q. I want to know about the time when you were at Angk Roka  
4 Pagoda. At that time, did you ever see monks who had already been  
5 defrocked?

6 A. And I could see that they became laymen already. They left --  
7 they had already left monkhood when I arrived there. Angkar did  
8 not allow those people to become monks.

9 Q. Did you ever attend the ceremony that allowed monks to leave  
10 monkhood?

11 A. I never attended such a ceremony. I left monkhood at the same  
12 time as my teacher did.

13 [14.36.13]

14 Q. For you yourself, when did you leave your monkhood?

15 A. I left monkhood in 1976.

16 Q. Did you remember the month, when was it? What month was it?

17 A. I could not recall it. I forgot it.

18 Q. I would like to ask you about the time when you were a monk at  
19 Angk Roka Pagoda. Upon your arrival at Angk Roka, you said you  
20 spent about two months travelling to Angk Roka. In June 1975, you  
21 arrived at Angk Roka. I would like to know from you about the  
22 livelihood of you and other monks while they were in Angk Roka  
23 Pagoda between June 1975 and the late 1975. So what was the  
24 living condition or livelihood like?

25 MR. PRESIDENT:

1 Please wait, Reverence. You wait for the red light on the  
2 microphone tip.

3 MR. EM PHOEUNG:

4 A. At that time, living condition of monk was becoming worse  
5 because villagers were evacuated afar so we needed to support by  
6 ourselves.

7 [14.38.26]

8 BY MR. KONG SAM ONN:

9 Q. I would like to make a clarification. Were there any lay  
10 people offering you food during the time you were staying in Angk  
11 Roka Pagoda?

12 MR. EM PHOEUNG:

13 A. In 1975, we could get some offering from lay people and some  
14 -- some of those laypeople came to receive sermons, and there was  
15 only some.

16 Q. Concerning the people who came to make the offerings to the  
17 monks, did the number decrease in late 1975, or <no offering at  
18 all in> 1976?

19 A. When the monks left the monkhood, laypeople did not come to  
20 make offerings. And villagers, they -- they were fully aware of  
21 the situation. And after monks were told about the situation,  
22 <coupled with the fact that Angkar gave us new set of clothes,>  
23 we left our monkhood, and then we never receive any offerings.

24 Q. I would like to know about you yourself, when you left your  
25 monkhood, did you decide by yourself to leave the monkhood or was

1 there any ceremony to force you to leave the monkhood?

2 A. As for leaving monkhood, it was considered like a force  
3 because we were given a set of clothing and <nothing else>. And  
4 we were told the revolution had nothing for us, so I could  
5 consider this was a force.

6 [14.41.22]

7 Q. This morning at about 10 a.m., you said that you could not  
8 stay in monkhood and -- because there were no offerings made to  
9 you, and monks were leaving monkhood one after another. So you  
10 mean that there were no one giving you alms and offerings, and  
11 because of this you decided to leave monkhood or was it because  
12 of other reason that make you leave monkhood?

13 A. Let me clarify. Let me tell you this way. At that time, we had  
14 to notice by ourselves. They had a <high> policy or <high>  
15 strategy <to> make us feel comfortable to stay in monkhood,  
16 because when they -- they said that when making revolution, they  
17 -- we had to work altogether. We had to do labour all of us so  
18 this was the means to make us leave our monkhood. They repeatedly  
19 mentioned this point, so how could we stay in our monkhood. We  
20 needed to make the decision like other people did. We could not  
21 stay in our monkhood. Revolution gave us no free time. We had to  
22 do our labours all across the country. No one could sleep up  
23 freely, so this was the instruction from Angkar.

24 MR. PRESIDENT:

25 It is now convenient time for a break. The Court will take break



1 from now until 3 o'clock.

2 Court officer, please facilitate the proper room for Venerable Em  
3 Phoeung during his time -- during his break time and take him  
4 back before 3 p.m.

5 The Court is now adjourned.

6 (Court recesses from 1444H to 1501H)

7 MR. PRESIDENT:

8 Please be seated. The Court is now back in session, and, again,  
9 we hand the floor to the defence team team for Khieu Samphan to  
10 continue putting questions to the venerable Em Phoeung.

11 BY MR. KONG SAM ONN:

12 Thank you, Mr. President; and, again, good afternoon, venerable  
13 Em Phoeung.

14 Q. My next question is in relation to the time period that you  
15 stayed at Angk Roka Pagoda. You have stated about the fact that  
16 you were instructed to do labour; namely, digging canals, <while  
17 you were still a monk.> Can you tell the Court how many monks  
18 were working - or engaging in labour in your group?

19 MR. EM PHOEUNG:

20 A. We were divided into different groups; there were 10 monks or  
21 20 monks within a group. So, we organized into various groups, as  
22 I just as stated.

23 Q. Besides digging canals, what other work did you do while you  
24 were still in monkhood?

25 A. I also engaged in transplanting cassava -- in planting

1 cassava, rather. And, also, we grew vegetables.

2 [15.03.59]

3 Q. Can you also tell the Court if this kind of work -- planting  
4 cassava or growing vegetables -- is it against Buddhist  
5 disciplines?

6 A. In terms of the Buddhist disciplines, it was wrong. For  
7 example, engaging in planting cassava or in growing vegetables,  
8 it violates the Buddhist disciplines.

9 Q. You talked about violating the Buddhist disciplines. What kind  
10 of violations that you refer to in terms of being a monk engaging  
11 in that kind of work?

12 A. Monks were prohibited to engage in that nature of work.

13 Q. Now, in relation to leaving monkhood -- that is, you  
14 personally, can you tell the Court what was the process of  
15 leaving the monkhood<, the last day of your monkhood>?

16 A. To leave the monkhood and in order to become a layman, there  
17 has to be a witness who would see the whole process of leaving  
18 the monkhood<. If it was not properly terminated the monkhood,  
19 one could turn insane.> So that in terms of religion it means  
20 that we would leave the monkhood and we would become an ordinary  
21 person <>. <We would need a witness so that the monkhood  
22 termination could be properly ritualised or that person could go  
23 insane.>

24 [15.06.31]

25 Q. As for you, when you left the monkhood, who was your witness?

1 A. There were other monks who were there, so we just be a witness  
2 to one another for the process because we started to leave the  
3 monkhood one after another.

4 Q. My question to you is, to you personally, when you left the  
5 monkhood, was there a <monk> teacher who <defrocked> you or who  
6 made you leave the monkhood or did you just do it by yourself  
7 alone?

8 A. No, I left the monkhood at the pagoda, not at a village house.  
9 Because we were monks, we followed the <proper> disciplines and  
10 we had to do it in a pagoda and at that time the Buddhist  
11 statutes remained undisturbed in the pagoda, and we did it before  
12 the statutes and we also had a witness to <acknowledge> of  
13 leaving the monkhood.

14 [15.08.04]

15 Q. When you were leaving the monkhood, can you tell the Court who  
16 was actually your witness to the process?

17 A. Of course, it was my teacher <> who was my witness.

18 Q. Thank you. Now I would like to ask you on a point that you  
19 already stated before this Court -- that is, on the different  
20 terms of leaving the monkhood and of defrocking. We heard the  
21 word "lea chak sekha bot" in Khmer, which means "to leave the  
22 monkhood" and the word "phsoek" that means "to be defrocked", or  
23 "soek" in Khmer, "to be disordained". Can you entertain the Court  
24 on the differences between the three terms?

25 A. To be defrocked or to leave the monkhood means we simply leave

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1 the three statutes of the Buddhist disciplines -- that is, the  
2 monks, the Buddha and the disciplines. We leave them all behind  
3 to become a layman. As I said earlier, simply, in the end, it  
4 means a monk becomes a layman or an ordinary person, by whatever  
5 means you use. So, when you leave the monkhood or when you  
6 defrocked or disordained, there is no clear discrepancy as in the  
7 end you become a layman or an ordinary person.

8 [15.10.13]

9 Q. Thank you. If I add a word that a monk was forced to defrock,  
10 would it be different to what you just stated?

11 A. If somebody uses an authority to force a monk to defrock and  
12 to become a layman, and that's what happened during the <Pol Pot>  
13 regime, they used their authority to force the monks to leave the  
14 monkhood. So, monks could not stay as monks, and that's the  
15 nature of their Revolution, and that we <had> to engage in  
16 <agricultural> labour, as I stated earlier.

17 Q. This morning you also stated that you knew Khiev Neou; do you  
18 recall that? That before 1975, that monk stayed at Moha Montrei  
19 Pagoda?

20 A. Yes, he was a monk <at Moha Montrei> pagoda.

21 [15.11.50]

22 Q. How long had you known Khiev Neou as a monk?

23 A. I knew him because we stayed at a pagoda in Phnom Penh  
24 together, but I did not know how many years had he been ordained  
25 as a monk.

1 Q. I'd like to read a statement of Khiev Neou -- that is,  
2 document E1</>90.1, at 9.30.15, which is a transcript dated 21st  
3 March 2012. Allow me to read you this portion.  
4 [Free translation]: "We cannot say for sure, but it was about one  
5 or two years" -- I apologize, Mr. President, I would like to  
6 readjust my document first.  
7 It was at 9.38.24, it's the same document, it's page over, in the  
8 Khmer language. And let me quote:  
9 "Answer: No, I didn't know that. I didn't know about the Cham  
10 people. I became aware of that. No, I was not, and as they were  
11 forced to defrock, no, it did not happen that way but we were  
12 told to leave the monkhood, so the word 'forced to defrock' was  
13 not used, and I never heard about it, and I never saw it." And my  
14 question to you is the following: What would you react to this  
15 statement of Khiev Neou?  
16 A. That is his personal account, <but mine is different from  
17 his.>.  
18 [15.15.01]  
19 Q. What would you like to add to the word "to force" - "to be  
20 forced to defrock" or "to leave the monkhood"?  
21 A. Allow me to clarify, if somebody was forced to defrock, it  
22 means somebody would physically come to force the monk to leave  
23 the monkhood; and, another the difference is that we were  
24 instructed to leave the monkhood and that we engaged in the  
25 process by ourselves because we understood we could no longer

1 stay in the monkhood.

2 Q. Thank you. In your account, as you left the monkhood, as  
3 witnessed by your teacher, can you explain to the Court, was the  
4 process considered a forced process?

5 A. Of course, we understood something had happened and as -- we  
6 should understand the cause and effect of the process. If we  
7 understand that, we know whether it was forced or not.

8 [15.16.41]

9 MR. PRESIDENT:

10 Counsel, please move on.

11 BY MR. KONG SAM ONN:

12 Q. Thank you.

13 Can you tell the Court, after you left the Angk Roka Pagoda,  
14 where did you go?

15 MR. EM PHOEUNG:

16 A. I went to Banteay Meas district, in Kampot province.

17 Q. Can you give a little bit more details?

18 A. It was Samraong cooperative, Banteay Meas district.

19 Q. Did you remain living there or did you move elsewhere after  
20 that?

21 MR. PRESIDENT:

22 Venerable, please wait for the microphone's activation first.

23 [15.17.49]

24 MR. EM PHOEUNG:

25 A. It was a village, but in fact, I was constantly in a mobile

1 unit as I was part of a main force, and was on mobile until the  
2 liberation of the country.

3 BY MR. KONG SAM ONN:

4 Q. When you were in Banteay Meas district, was it Banteay Meas or  
5 Touk Meas (phonetic)?

6 MR. EM PHOEUNG:

7 A. It's Banteay Meas.

8 Q. Did you -- for instance -- relocate yourself to a different  
9 village or a different commune within Banteay Meas district?

10 A. No, I did not.

11 Q. You also stated before this Court, the term "Angkar",  
12 repeatedly. For example, when you were called to a meeting, the  
13 meeting was organized by Angkar, and in terms of your personal  
14 knowledge, when you refer to Angkar, what do you mean?

15 A. At that time, I didn't know for sure what -- who -- Angkar  
16 was. Everybody talked about Angkar, but nobody ever saw who  
17 Angkar was and when we were assigned tasks to do, we were told  
18 that it was planned by Angkar, or it was followed the  
19 instructions of Angkar<, but in fact, we did not know who Angkar  
20 was>.

21 [15.19.52]

22 Q. Did you ever discuss or ask what, or who, Angkar was? Or  
23 whether Angkar was someone in charge?

24 A. At that time, yes, I asked where was Angkar and who was at the  
25 upper echelon. I asked people about the Angkar and about the

1 upper echelon, but they only -- the reply that I received was  
2 that Angkar was the upper echelon and they warned me not to ask  
3 too many questions about Angkar, and that we only should know  
4 about Angkar and that's the limit.

5 Q. For you, personally, what is your understanding of Angkar?

6 A. It is a word commonly used during the regime -- that is,  
7 during the Pol Pot regime. We didn't know who was or were --  
8 Angkar. And they talked about Angkar Mocchim or the  
9 organizational centre or the Angkar's centre and the instructions  
10 came from there. Because we asked each other about the Angkar and  
11 about the instructions from Angkar, and the only thing we learned  
12 was that instructions came from Angkar, which was at the upper  
13 level or upper echelon.

14 [15.21.41]

15 Q. Thank you. When those people spoke about Angkar, did they  
16 refer to themselves? For example, the commune chief or the  
17 cooperative chief or those people who made contact with you, did  
18 they say that they represent Angkar themselves?

19 A. I was only told that Angkar means the upper echelon, and that  
20 was it, after I made inquiry with them and that the orders or  
21 instructions came from Angkar. And, of course, as I stated, we  
22 didn't dare to ask more questions. <Asking more questions would  
23 only invite trouble; that's the way it was.>

24 Q. What did you understand of the word "secret" and <how> did you  
25 <practice it during the DK regime>?



1 A. Counsel, please repeat your question, I don't really get it.

2 [15.23.00]

3 Q. You stated that you did not dare ask many questions, and my  
4 question to you is that, did you <ever> hear about the principle  
5 of secrecy and did you actually abide by such principle of  
6 secrecy during the DK period?

7 A. I still don't get your question, Counsel. What do you actually  
8 want to ask me? What do you want me to say?

9 Q. I'd like to ask you in general, for example, during your  
10 contact with other people or with your peers, or with the cadres  
11 -- the Khmer Rouge cadres -- could you make such a contact  
12 freely?

13 A. During the regime, such contact was very rare. Even the  
14 contact between our family members was very rare, we didn't even  
15 dare to speak to one another and here I frankly speak. At  
16 night-time, we did not even dare to talk to one another, and  
17 during the working hours, we just kept working -- kept on working  
18 -- and we didn't dare to take time to talk to one another and  
19 that's what was the common practice during the regime. If we  
20 talked more it means we would be in a risky situation, and if we  
21 pretend to be silly or to be stupid, then we could survive.

22 [15.25.05]

23 MR. KONG SAM ONN:

24 Thank you, Venerable.

25 Mr. President, I don't have any further questions.

1 MR. PRESIDENT:

2 Venerable Em Phoeung, the Chamber is grateful of your time to  
3 come and testify before this Court during this one full day, and  
4 your testimony will contribute to ascertaining the truth in this  
5 case. Now the time comes to the conclusion of your testimony, and  
6 you may be excused so that you can return to your place of  
7 residence.

8 And Court officer, in collaboration with WESU, please assist in  
9 the arrangement of transportation for the venerable to return to  
10 the pagoda where he resides or to whichever place he wishes to go  
11 to.

12 You may now go, Venerable.

13 Counsel Koppe, you have the floor.

14 [15.26.26]

15 MR. KOPPE:

16 Thank you, Mr. President. Because we still have half hour to go,  
17 rather than revisiting the issue of this morning tomorrow and  
18 take away time from the other Parties to examine the witness of  
19 tomorrow, I would like to refer to the email that we received  
20 from the Prosecution this afternoon in relation to Case 004  
21 documents. The Prosecution -- the Deputy Co-Prosecutor wrote to  
22 you and to us, that in addition to earlier statements from Case  
23 004 and the 20 statements that we just received this afternoon  
24 there is another astounding number of 89 and 190 documents to be  
25 coming from Case 004 -- documents to be added to our case.

1 Eighty-nine and 190, plus the earlier ones, make a total of 334  
2 documents from Case 004.  
3 We were able to have a very quick glance at the 20 Case 004  
4 statements we received this afternoon and what we could see --  
5 and I just have a very brief summary, a very brief indication --  
6 it seems that one witness can testify about the leadership of the  
7 Tram Kak district, one witness possibly can testify in detail  
8 about the former secretary of District 105, one of those  
9 witnesses was a chief of a commune in Tram Kak and possibly could  
10 testify about several immediately upcoming witnesses, one was a  
11 Tram Kak district messenger and can, apparently, testify in great  
12 detail about an upcoming cadre witness and about delivery of  
13 messages to communes in the Tram Kak district. It seems that at  
14 least one witness within those 20 statements -- witness  
15 statements -- is a surviving prisoner from Krang Ta Chan, and,  
16 allegedly, the child of that prisoner was killed at Krang Ta  
17 Chan.

18 [15.29.04]

19 I think we can all agree that these are very relevant statements  
20 for also the upcoming witnesses. This, in combination with the  
21 fact that we are waiting at least 270 more documents in this  
22 phase of the trial, I'm not quite sure what words to use to  
23 describe this, but I'm not sure how to deal with this. But it  
24 seems that the only real possibility, in order to be able to  
25 conduct a proper defence is to ask for postponement and to

1 receive all those 270 documents, in order to be able to establish  
2 what the relevance is. If we continue like this, and we just get  
3 the documents hand by hand or in small numbers, by the time we  
4 have them all we might have to recall witnesses. I don't know  
5 exactly if that would be a proper way of acting. But the way it's  
6 going on now is, in any case, in stark contrast with what the  
7 Prosecution said earlier, that it's a small number which is  
8 coming. But the total of 334 documents is, again -- as I said,  
9 again -- is very disturbing. I think we should have a proper  
10 debate about what to do with this.

11 [15.30.28]

12 MR. PRESIDENT:

13 You may now proceed, counsel for Mr. Khieu Samphan.  
14 Deputy International Co-Prosecutor, you may now be seated, wait  
15 until the other party completes their observation and  
16 submission<. You should prepare yourself with a rather short but  
17 succinct statement in order to lay the ground for> the Chamber  
18 <to> decide <>.

19 MS. GUISSÉ:

20 Yes, Mr. President, thank you. <Like this morning,> I <> support  
21 <> my colleague<'s observations>, and also would like to state  
22 our concern. As I said this morning, we have here a real problem  
23 in terms of interpretation of what may be considered as relevant  
24 with regards to the documents for the witnesses who will testify  
25 soon. It's not because the documents do not particularly refer to

1 one specific witness that these are not relevant documents <for  
2 the Defence. Why?> Because it's obvious that when several  
3 witnesses speak about the same place, and about the working  
4 conditions in cooperatives or in security centres, <> for us, <in  
5 the context of our examination,> it is the <cross-checking> of  
6 these different <documents and> testimonies which will make it  
7 possible to <move> the discussion <and debate forward,> here  
8 before the Chamber.

9 So, given what my colleague has reminded us of <and given that  
10 we- I understand that> the civil party lawyers <are in the same  
11 position. But then, if they can adapt to the situation, they have  
12 every right to do so.> But for us, as defence lawyers, we need to  
13 have visibility on the documents that are going to be part of the  
14 case and that are going to allow us or not to question the  
15 witnesses to come.

16 [15.32.22]

17 <Under these conditions>, we're asking the Chamber to find a  
18 quick solution, because there are still witnesses who are going  
19 to testify about Krang Ta Chan and about Tram Kak who are going  
20 to come. And documents, as they were <announced, as they were>  
21 produced today, which, of course, we were not able to see in  
22 detail. This, of course, requires time. It is obvious that this  
23 is going to have an impact on the preparation of the witnesses to  
24 come, and if we want to save our resources, well, we shouldn't  
25 have a witness come back because <we have to put forward> new

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1 documents <to him that we've obtained afterwards>, so maybe the  
2 solution would be to postpone the testimony or that <in any  
3 case,> time be <granted> to the Defence <and the civil parties  
4 overall - in any case, the Defence> if the civil party lawyers do  
5 not feel this time is necessary, <> <but> we <do> feel that we  
6 need this time to properly prepare our defence.

7 MR. PRESIDENT:

8 You may now proceed.

9 [15.33.42]

10 MR. KONG SAM ONN:

11 In addition to the request from my learned friend, my colleagues,  
12 I would like to mention our difficulty in familiarizing ourselves  
13 with the case file in cases 003 and 004. Actually, we, the  
14 counsel, have no access electronically to some of the case file  
15 in those cases. And we received only one copy of the documents  
16 that we have received, and we cannot make <further> copies,  
17 because it is very confidential. <This practice therefore is  
18 time-consuming;> and whenever we have received more and more  
19 documents, particularly hard copies of the documents, it causes  
20 complications to counsel. Once again, in addition to the request  
21 of my colleagues, I request the Chamber to be flexible so that we  
22 can have the access electronically to the case files and we can  
23 <access> relevant information.

24 MR. PRESIDENT:

25 Judge Fenz, you may now proceed.

1 JUDGE FENZ:

2 Before the Prosecution rises, I have a question which they might  
3 wish to answer when they give their comment. In the email  
4 referred to by the defence counsel, it first says that a  
5 submission which kind of clarifies things further will be filed  
6 on Monday 23rd of February; and, secondly, it mentions the  
7 further 89 statements which will be disclosed shortly. Now, will  
8 this email tell us what exactly shortly means or will you, today,  
9 be in a position to do that?

10 When it comes to the other 190 mentioned, I think in the last  
11 paragraph, my guess is, but it's always a question, that  
12 currently you're not able to tell us when they will be released  
13 and how. Is this a batch of 190 then or are they coming -- I  
14 don't know -- in instalments? Are you able to answer any of those  
15 questions now? I understand that this might be what you actually  
16 plan to do on Monday but --

17 [15.36.27]

18 MR. DE WILDE D'ESTMAEL:

19 Thank you, Your Honour. Indeed, we would like to clarify once  
20 again the process which we are involved in. And I wish to say to  
21 everyone that this is a difficult <and challenging> task for the  
22 OCP to have to, with regard to each lot of documents <-- for  
23 which we receive the authorization from the Co-Investigating  
24 Judges, in any case, the International Judges --> to <release>  
25 them to the parties. We are obliged to perform four or five

1 different motions before you can receive these documents.  
2 Now, with regard to the figures that were given to you, I'd like  
3 to insist upon the fact that among the 89 statements, which we  
4 asked the Co-Investigating Judges to have the leave to share them  
5 with the parties and with the Chamber, there are only two that  
6 involve Tram Kak and Krang Ta Chan <in a general sense>, and  
7 among these 89 statements, there are none which <stand out or>  
8 regard the witnesses on your list<>, that is to say the people  
9 who are selected for this first segment.

10 [15.37.47]

11 Now, with regard to the 190 documents, we, of course, don't have  
12 everything in our hands. We are asking to read the documents when  
13 we receive them and to see which documents should pertain <the  
14 facts in> Case 002/02, <> which documents may contain exculpatory  
15 evidence and therefore could be useful to the Defence and  
16 therefore <> we ask the Investigating Judges to have leave to  
17 forward these documents to the different parties.

18 The Investigating Judge and his team analyse our requests.  
19 Sometimes they do not accept them directly, for reasons of  
20 <confidentiality>, so there is a delay, a delay that sometimes  
21 can be rather long. So, what we do is that we prioritize the  
22 documents by drawing the Investigating Judges' attention <to> the  
23 fact that a certain number of topics are being considered by this  
24 Chamber during the hearings and, therefore, these statements  
25 should <> be given priority <when examined> by the



1 Co-Investigating Judges. So, we cannot say when <we will have the  
2 authorization to disclose> these 190 statements <> to you.  
3 We, of course, have no control over the schedule. What's sure is  
4 that each time we receive -- and this is quite often -- new  
5 written records of interviews of witnesses with reference to the  
6 two other cases, we read them <> very quickly -- of course, <this  
7 is to the best of our ability as> we have <>many other things to  
8 do. We read them in Khmer <obviously, whenever we receive> the  
9 translation, <perhaps even more closely>, and each time we <can>  
10 -- <and> very quickly <so> -- <we> ask the Investigating Judge  
11 for permission to transmit these, because <there is always a  
12 sense of urgency>. And the Co-Investigating Judges also have  
13 their <own> obligations, so <although we insist before them to  
14 obtain those authorizations,> in certain cases they tell us that  
15 we have to wait for other people to be interviewed <first>, <that  
16 are tasks be accomplished first,> before they can accept our  
17 request.

18 [15.40.27]

19 Now, maybe reacting to what was said by the Defence, <if I have  
20 your leave,> which is pretending to be surprised by the number: I  
21 wish to remind you that in our document <addressed to the  
22 Chamber> -- E305/13 -- that's the list of the relevant documents  
23 to Case 002/02, we said as of June 2014 that there would be at  
24 least 267 witness and civil party statements in Cases 003 and  
25 004, which, at one given moment, will <have to> be placed on the

1 case file, because we believe that these statements are relevant.  
2 So, I believe that the parties knew already for quite a while  
3 what the situation is, but the problem for us is that we do not  
4 get authorization very quickly from the Co-Investigating Judges.  
5 So, I also would like to underline with relation to this figure  
6 of 267 that we announced is that <since>, every month, there's  
7 <been> about 30 <> written records of interviews that are  
8 gathered by the Co-Investigating Judges <and> placed on the case  
9 file, which means that there are more than 267, and this is why  
10 we <already reached> a total of around <200 to 300 - closer> to  
11 300 <than to 267> documents.

12 [15.42.04]

13 So, this can be explained by the fact that we're under a  
14 continuous obligation and written records of interviews keep on  
15 arriving, so we're obliged to react the way we do. So, therefore,  
16 we object to any delay regarding any postponement regarding the  
17 trial. We understand the party's concerns. This puts on us an  
18 extra workload. The only thing that I can say regarding segment  
19 01 is that with the 20 statements that were given to the parties  
20 at the end of last week or this morning for certain parties, we  
21 practically have all of the documents that regard the first  
22 segment, and there are two extra <that concern the first segment>  
23 for which we're waiting for leave to communicate these. So, <you>  
24 have to understand that this is not our choice to not forward  
25 these documents. We do it as soon as possible <and as soon they

1 become available> and in such a way that everyone can be prepared  
2 in the same way.

3 [15.43.20]

4 Now with regard to the fact of not having access to the  
5 electronic documents, there <are restrictions which have been  
6 implemented by the> International Co-Investigating Judge <>, so  
7 it's not up to the Trial Chamber to decide whether or not it  
8 would be possible to have access to these electronic documents,  
9 <> only the International Co-Investigating Judge <has the power  
10 to grant that authorization>. So, pending the end of the  
11 investigation <or another future investigation - which I hope  
12 will run smoother --> that is the only solution that we have now  
13 and we are obliged to abide by confidentiality obligations <and  
14 respect the guidelines> given to us by the International  
15 Co-Investigating Judge <in this regard>. Thank you.

16 MR. PRESIDENT:

17 Lead Co-Lawyer, you may now proceed.

18 MS. GUIRAUD:

19 Thank you, Mr. President. Simply to go a bit further in the  
20 clarification of our position, we understand perfectly well the  
21 Defence's concerns and we will rely on the Court's wisdom, as we  
22 say. Of course, we want to express our own concerns.

23 [15.44.38]

24 We have asked for a long time for an expeditious trial, <one that  
25 is> able to move ahead. <From our where we stand, we feel ready

1 to move ahead> and to manage the information that is sent to us  
2 by the prosecutor. But simply so that the other parties may  
3 understand our position, we, Co-Lead Lawyers, do not have access  
4 to these documents, because we have no mandate in Cases 003 and  
5 004. So, some of the lawyers with whom we are working have also  
6 civil parties in Cases 003 and 004, and in that <> case they do  
7 have access to the documents, but they do not have the  
8 possibility of giving these documents to us. So we are exactly in  
9 the same situation as our colleagues at the Defence. We discover  
10 the written records when they arrive before us <and we sign off  
11 on them>. And I haven't even looked at the folder that was given  
12 to me over lunch. So, therefore, I'm going to rely on the  
13 Chamber.

14 [15.45.31]

15 For me, the true difficulty regards the 20 records we received  
16 today, and not the 89 and 190 written records that will arrive  
17 later because then we will be able to manage them. <In regard to  
18 those> that have a direct impact on the next segment, I will  
19 simply ask you to wait for clarification from the Co-Prosecutor's  
20 office on 23 February in order to allow the parties to answer  
21 this filing --<my apologies for the Anglicism>-- for  
22 clarification coming from the Co-Prosecutor's office.  
23 So, our position is the following: we object, by principle, to a  
24 new postponement of the hearings and we ask you not to take any  
25 decisions before you have received written clarification from the

1 <prosecutors> that is expected on 23 February. Thank you.

2 MR. PRESIDENT:

3 Mr. Koppe, you may now proceed.

4 [15.46.35]

5 MR. KOPPE:

6 Thank you, Mr. President; just a brief response.

7 Prosecution hasn't addressed the question as to when we are, for  
8 instance, supposed to read those 20 statements. I would like to  
9 get some sleep tonight, so I don't think I'll be able to read  
10 those 20 statements before tomorrow. It seems, by the way, that  
11 one of those 20 statements is a statement dating August 2013, so  
12 I really don't see why we had to wait so long to get that  
13 statement. Monday, I think -- waiting until Monday is too late,  
14 because I believe Wednesday or Thursday an important -- a  
15 relatively important cadre is coming to testify, so he possibly  
16 might need to be confronted with the statements or the content of  
17 those 20 statements. So, I think waiting until Monday until the  
18 Prosecution comes with something, is too late.

19 And the last remark that I would like to make is that we are  
20 pretending to be surprised -- I don't really see where that comes  
21 from. I specifically -- and that's why I quoted that passage from  
22 the transcript -- I specifically asked the Prosecution what could  
23 we expect and he said a pretty small number. Now, maybe he and I  
24 differ in what a pretty small number is, but certainly not almost  
25 300. So, I think I don't really see how we can proceed with

1 witnesses this week.

2 [15.48.10]

3 MR. PRESIDENT:

4 Judge Fenz, you have the floor.

5 JUDGE FENZ:

6 Obviously, it's an obligation we have to think about. But to  
7 organize the next days, if I understand, at least counsel for  
8 Nuon Chea, correct, he doesn't see a problem for tomorrow, is  
9 that okay? Can we have an agreement on that? Ideally?

10 MR. KOPPE:

11 Ideally, tomorrow shouldn't be a problem, but the other -- the  
12 next one, yes.

13 JUDGE FENZ:

14 Do Counsel for Khieu Samphan agree for tomorrow? Yes. Okay.  
15 But you think the Wednesday witness from your perspective might  
16 be touched by this?

17 MR. KOPPE:

18 Again, it's a very preliminary reading, just going through the  
19 first 20 statements and it seemed to be having an important  
20 impact or relevance to Wednesday's or Thursday's witness. But we  
21 just glanced through it. There's nothing more we can say right  
22 now.

23 [15.49.21]

24 MR. PRESIDENT:

25 Deputy International Co-Prosecutor, you have the floor now.

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1 MR. DE WILDE D'ESTMAEL:

2 Just a little point of clarification, Mr. President; there may be  
3 indeed statements dating back quite a while but, in reality, this  
4 is explained not only by the necessary delay from the  
5 Co-Investigating Judges to give us the leave, but also because  
6 some of these statements are not <disclosed, are not> notified to  
7 the parties before a certain <date>, probably also for reasons of  
8 confidentiality. So a statement of 2013 was not necessarily  
9 notified in 2013. <On the contrary,> sometimes, we might have to  
10 wait several months or even longer.

11 Now, when Lysak spoke about a small number of statements, I <>  
12 believe that he was referring to the first segment of the trial  
13 and not to the rest of the trial. As we said in June 2014, we  
14 already announced that there would be 267 statements, and I told  
15 you this morning, with regard to the second segment, we are  
16 waiting for the leave to communicate to you 60 statements that  
17 relate in particular to the Trapeang Thma Dam. Thank you.

18 MR. PRESIDENT:

19 Thank you very much.

20 Court officer, you are instructed to usher in witness 2-TCW-934  
21 into the courtroom.

22 (Witness 2-TCW-934 enters courtroom)

23 [15.52.29]

24 QUESTIONING BY THE PRESIDENT:

25 Good afternoon, Mr. Witness. What is your name?

1 MR. PHNEU YAV:

2 A. Mr. President, my name is Phneu Yav.

3 Q. When were you born? Do you remember your birth of date (sic)?

4 A. I was born in 1947.

5 Q. Thank you, Mr. Phneu Yav. Where were you born? Do you  
6 remember?

7 A. I remember that I was born in Paen Meas village, Samraong  
8 commune, Tram Kak district, Takeo province.

9 Q. And what is your current residence?

10 A. My current residence is in the same village, commune, district  
11 and province.

12 Q. What is your occupation, Mr. Phneu Yav?

13 A. I am a rice farmer at Angk Ta Ma (phonetic) pagoda.

14 Q. What is your father's name and what is your mother's name?

15 A. My father's name is Phneu Chheng. My mother's name is Ream  
16 Chhuon. They are all deceased.

17 Q. Thank you. What about your wife? What is her name and how many  
18 children do you have?

19 A. My wife's name is Ses Rann. We have five daughters and one  
20 son.

21 [15.54.29]

22 Q. Thank you, Mr. Phneu Yav.

23 Based on the report of the greffier, to the best of knowledge,

24 you have no parents, ancestors or descendants who are admitted to

25 this case. Is this true?



1 A. That is true, Mr. President.

2 Q. Have you already taken an oath before the Iron Statue to the  
3 east of this courtroom?

4 A. Yes, I have already taken an oath.

5 Q. Thank you, Mr. Phneu Yav. You are now informed of your rights  
6 as a witness before this Chamber.

7 As a witness in this proceeding, you can refuse to answer any  
8 question or you can refuse to make any statement which  
9 incriminates yourself. You have the right not to make any  
10 statement which is against yourself, that is a statement that can  
11 lead to prosecution against you.

12 [15.56.07]

13 As a witness, Mr. Phenou Yav, you have to give testimony before  
14 this Chamber. You have to respond to all questions put by the  
15 parties or by the Bench, unless your answers may lead to  
16 incriminating yourself. As a witness, you are required to answer  
17 <only the truth> through your knowledge about your personal  
18 experience, what you see, what you hear, what you heard in  
19 relation to the facts.

20 Mr. Phneu Yav, have you ever given statements to an investigator  
21 of the OCIJ and, if you have, how many times have you given to  
22 the investigator of the OCIJ and where was it taken place?

23 A. I gave statement once. It was at my home.

24 Q. When was it?

25 A. I forgot the year.

1 Q. Never mind, Mr. Phneu Yav.

2 Before you are here in the courtroom, have you already reviewed  
3 the statement made by the investigator of the OCIJ already?

4 A. Mr. President, I have reviewed the statement and I have  
5 recalled some of my statement, because the interview was taken  
6 long time ago.

7 [15.58.37]

8 Q. Have you read the statement before you are here?

9 A. I have reviewed the record of interview, but I do not recall  
10 them all.

11 Q. To the best of your knowledge, in relation to the statement  
12 you gave to the investigator of the <OCIJ>, does the statement  
13 reflect what you have provided to the investigator?

14 A. Yes, it's correct. The statement that I gave to the  
15 investigator, it reflects what I have given.

16 MR. PRESIDENT:

17 Thank you, Mr. Phneu Yav. Because we do not have much time, so I  
18 only put some question in relation to your background, and the  
19 Chamber does not yet hear the substance of your testimony. So,  
20 you are invited to be here to provide your testimony before --  
21 which will start at 9 a.m. So, your testimony will perhaps be  
22 concluded in just one day.

23 It is now time for the adjournment. The Court hearing will resume  
24 tomorrow on the 17 February 2015, starting from 9 a.m., and  
25 tomorrow we will hear the testimony of Phneu Yav. Please be

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1 informed.

2 Court officer, please facilitate with the WSU to send the witness  
3 to his preferred destination and have him returned in the  
4 courtroom before 9 a.m.

5 Security personnel, you are instructed to bring the two accused  
6 back to their detention facility and have them returned tomorrow  
7 morning before 9 a.m.

8 The Court is now adjourned.

9 (Court adjourns at 1601H)

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