



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**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 06-Jun-2017, 10:04  
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

12 March 2015

Trial Day 257

Before the Judges: NIL Nonn, Presiding  
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Jean-Marc LAVERGNE  
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YOU Ottara  
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THOU Mony (Reserve)

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I N D E X

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

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Mr. NUT Nov (2-TCW-948)

Questioning by The President (NIL Nonn).....page 30

Questioning by Ms. SREA Rattanak.....page 39

Questioning by Mr. DE WILDE D’ESTMAEL.....page 48

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. NEANG Ouch (2-TCW-803)	Khmer
The President (NIL Nonn, Presiding)	Khmer
Mr. NUT Nov (2-TCW-948)	Khmer
Mr. SREA Rattanak	Khmer
Mr. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 This morning, the Chamber will continue to hear the remainder  
6 testimony of the witness, Neang Ouch. And we will then continue  
7 to hear the testimony of another witness -- that is, 2-TCW-948.

8 And <the greffier,> Ms. Chea Sivhoang, could you report the  
9 attendance of the Parties and individuals to today's proceedings?

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all Parties to this case  
12 are present. The Accused Nuon Chea is present in the holding cell  
13 downstairs, as he requests to waive his right to be present in  
14 the courtroom. His waiver has been delivered to the Greffier. The  
15 witness who is to conclude his testimony today -- that is, Mr.  
16 Neang Ouch, and his duty counsel, Moeurn Sovann, are present in  
17 the courtroom. A reserve witness, 2-TCW-948, is here and his duty  
18 counsel is the same one -- that is, Mr. Moeurn Sovann.

19 [09.04.11]

20 MR. PRESIDENT:

21 Thank you, Ms. Chea Sivhoang. And before the Chamber hands the  
22 floor to the Defence, we will decide now on the request by Nuon  
23 Chea. The Chamber has received a waiver from Nuon Chea, dated 12  
24 March 2015. He confirms that he has headache, dizziness, and  
25 cannot sit for long, and in order to effectively participate in

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1 the future hearings, he requests to waive his right to  
2 participate in and be present at the 12 March 2015 hearing. He  
3 has been informed by his counsel about the consequences of this  
4 waiver, that in no way it can be construed as a waiver of his  
5 rights to be tried fairly, or to challenge evidence presented or  
6 admitted to this Court at any time during this trial.

7 Having seen the medical report of the Accused, Nuon Chea, by the  
8 duty doctor for the Accused at the ECCC, dated 12 March 2015,  
9 which notes that the health condition of Nuon Chea is that he has  
10 a severe back pain, and he feels dizziness when seated for long,  
11 and recommends that the Chamber <shall> grant him his request, so  
12 that he can follow the proceedings remotely from a holding cell  
13 downstairs. Based on the above information, and pursuant to Rule  
14 81.5, the Chamber grants Nuon Chea's request to follow the  
15 proceedings remotely from a holding cell downstairs via an  
16 audio-visual means for today's proceedings, as he waives his  
17 direct presence in the courtroom.

18 [09.05.58]

19 The AV unit is instructed to link the proceedings to the room  
20 downstairs, so that Nuon Chea can participate in and follow  
21 today's proceedings remotely.

22 I'd like now to hand the floor to Khieu Samphan's defence to put  
23 questions to witness, Neang Ouch.

24 QUESTIONING BY MR. VERCKEN:

25 Thank you, Mr. President. Good morning, <Mr.> Witness.

3

1 Q. I have a few questions to put to you. It will therefore be  
2 very brief. The questions are follow-up questions, questions for  
3 purposes of clarification. The first of these questions has to do  
4 with your <interactions> with Ta Ran. I would like you to  
5 re-state <--> because I believe there was a problem <with the>  
6 interpretation <-- what> the distance <was> from your home to  
7 where Ta Ran resided.

8 [09.07.17]

9 MR. NEANG OUCH:

10 A. The distance from my house to Ta Ran's house is about six  
11 kilometres.

12 Q. You stated that whenever you needed to take instructions from  
13 Ta Ran, you would cover the six kilometres on a motorbike. Is  
14 that correct?

15 A. Yes, that is correct. I used a motorcycle, and it took me  
16 between five to ten minutes.

17 Q. Could you please specify the nature of the decisions that had  
18 to be taken <that led> you <to> decide to cover those six  
19 kilometres? <What made you decide to get on your motorbike> in  
20 order to go and take instructions from Ta Ran? <Were there  
21 particular decisions of certain importance to be made that would  
22 instinctively compel you to make that trip>?

23 A. I already responded to this question. And there were a number  
24 of documents that were presented. In those documents, the  
25 decisions were made by Ta Ran, on those people in question. When

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1 there were reports from other -- from the base, then I would  
2 immediately go to his place for his decisions.

3 [09.09.29]

4 Q. Should I take it therefore from your answer that, as a matter  
5 of fact, there was no <level which -- there was no particular  
6 importance threshold to reach to merit such a trip>? <Ta Ran made  
7 all the decisions, and any decision he made> was enough for you  
8 to <travel those six kilometres>. Is that correct?

9 A. Yes, that is the case.

10 Q. You also stated in the preceding days that when you <appeared  
11 before> Ta Ran <> you would give him your report and he would  
12 then give you instructions <in writing for you to take. What I  
13 would like to know is: was that process lengthy in duration>? You  
14 would go to Ta Ran's, you would present the decision that he had  
15 to take. <Would it> take him some time to take that decision <or>  
16 did he take that decision immediately <> for you to <quickly>  
17 return to your home?

18 [09.11.11]

19 A. He would consider the matters for a few hours, and then he  
20 made his decision. And I would dictate that decision.

21 Q. You stated, and you've just confirmed, that Ta Ran worked at  
22 the level of the region, and <that the> Tram Kak district<, as>  
23 part of the process you have just described<, fell under his  
24 direct supervision. To> your knowledge, was that kind of  
25 organization at the <district> level <> something that existed

1 elsewhere, and not only in Tram Kak?

2 [09.12.07]

3 A. Tram Kak district was different from other districts, as Tram  
4 Kak district was close to the sector. Because the provincial town  
5 was also part of Tram Kak district, and the same thing applies to  
6 Kandal province in the current scenario, that Kandal province is  
7 very close to Phnom Penh. So, he went there because Tram Kak  
8 district was just closer, adjacent to the Takeo provincial town.  
9 As for other districts, decisions would be made by the district  
10 committees respectively. Except the Tram Kak district, he would  
11 come down and he would make his own decisions.

12 Q. Did you know the reasons why such an organization was put in  
13 place, particularly in Tram Kak?

14 A. I did not grasp this matter, as it was a matter decided by the  
15 upper level.

16 [09.13.44]

17 Q. When we read reports that you have acknowledged to having  
18 authored <before this very Chamber>, why do you express yourself  
19 in the first person singular, and you sign the documents in your  
20 own hand, without indicating that the orders that you distributed  
21 came from Ta Ran?

22 A. I did not know about his methodology. However, I was  
23 instructed by him to write down his decision, and <> after I  
24 considered what happened, it was apparent that there could be a  
25 trial like what is going on today. Because he didn't want him



6

1 himself to be <> in trouble, and it was me who would be in  
2 trouble, because it was my handwriting.

3 Q. But did Ta Ran ask you to write those <documents,> reports in  
4 the first person singular? <Were you> instructed to draft those  
5 documents as if you were the author, as if you were the one who  
6 issued those orders, personally <>?

7 A. He instructed me to dictate his words. I did exactly what I  
8 was told by him.

9 Q. <Then> why did you sign in your own hand, without <having> Ta  
10 Ran himself <> sign the documents?

11 A. As I already stated, he instructed me to write his words, and  
12 he instructed me to sign my own name. I did not know what was  
13 behind his idea. <Perhaps he had a secret, that's why he ordered  
14 me to sign my name on the document.>

15 [09.16.44]

16 Q. Regarding the persons to whom those orders were addressed at  
17 the level of the district, did <they> know that those  
18 instructions were from Ta Ran?

19 A. Yes, within the district, they knew that the orders came from  
20 Ta Ran, because <after I received their reports> I always told  
21 them that I had to go and see Ta Ran first.

22 Q. <The> system of going to and fro at the level of the sector:  
23 for how long was that in place?

24 A. I continued doing that until the day the Vietnamese troops  
25 <were advancing towards> Cambodia.

1 [09.18.17]

2 Q. That is up to the 6th of January, 1979? Is that <correct>?

3 A. No, not up to the 6th January, because by the 7th of January  
4 Vietnamese troops reached Phnom Penh. By the time the Vietnamese  
5 <shelling was heard> at the outskirts of Takeo province, we  
6 withdrew ourselves. So we were fleeing when the Vietnamese troops  
7 were entering Cambodia, and I cannot recall the exact date when  
8 we retreated. Along the Vietnamese-Cambodian border -- that is,  
9 at Takeo province, there had been ongoing fighting. By the time  
10 the Vietnamese troops were approaching the province, <> we <had  
11 already withdrawn> ourselves. It's likely that the event took  
12 place in late December 1978.

13 Q. So, you mean <> up to late December 1978, you continued going  
14 to seek orders from Ta Ran. Is that the case?

15 A. Yes. I had to seek his advice and instructions as to where we  
16 had to go.

17 Q. I am talking of you going to seek instructions <while I  
18 believe you're talking about what you did afterwards I think>.  
19 Did you continue going to seek instructions from Ta Ran up to  
20 late December 1978?

21 A. I went to see him until late 1978, and by late 1978, the  
22 <instruction> from him was for us to withdraw from our area --  
23 that is, for our personal security reasons, and head toward the  
24 <mountain.>

25 Q. Very well. Thank you. I'll go into another line of

8

1 questioning. I would like you to tell us whether you can be more  
2 <> specific when you talk of Mr. Pech Chim. When you answered  
3 questions put to you by Judge Lavergne, the day before yesterday,  
4 the 10th of March 2015, after 15.03.29, you stated that you knew  
5 Pech Chim prior to 1970, because his <home> village was very  
6 close to that of your wife, and you said that he was never your  
7 <deputy or> assistant. I would like you to clarify this matter  
8 <in regards to> the position of the chief of the Tram Kak  
9 district, which Pech Chim may have occupied. Do you know about  
10 that? And if yes, <do you know> up to when did Pech Chim occupy  
11 that position?

12 [09.22.53]

13 A. In 1970, Pech Chim was in Tram Kak district. However, it was  
14 Khom who was the district secretary, and Khom was the first  
15 daughter of Ta Mok. And I did not know which position Pech Chim  
16 held at the time. And the district secretary at that time was a  
17 woman -- that is, the first daughter of Ta Mok, her name, Khom.

18 [09.23.44]

19 Q. And do you know <what> Pech Chim's <duties were> after the  
20 17th of April 1975?

21 A. After April 1975, Democratic Kampuchea appointed him to the  
22 rubber plantation in the area called Chamkar Andoung. And I <am  
23 not sure whether it was> located in Kampong Cham province <or  
24 Kampong Thom province>. I only knew that he was appointed to go  
25 there, to the Chamkar Andoung rubber plantation, but I did not

1 know the position he held over there.

2 Q. Do you know whether after April 1975, regardless of the  
3 period, Pech Chim was district head anywhere <else>?

4 A. After 17 April 1975, I did not know whether Pech Chim worked  
5 at the district level. I simply knew that Angkar transferred him  
6 to Chamkar Andoung rubber plantation.

7 Q. Very well. I will go to another line of questioning, and that  
8 will be my last line of questioning. I would like to revisit an  
9 answer you gave <when you were interviewed> on the 28th of  
10 January 2014, <that is, your> first record of <> interview,  
11 <reference number> E319.1.15, and we're talking of questions <and  
12 answers> 88 and 89 <here>. The investigator put the following  
13 question, and I quote: "Were you startled <by> the fall of  
14 Democratic Kampuchea in <1979? By> the <> leaders <seeking refuge  
15 on> the <border? And when you discovered> that approximately two  
16 million people had been killed?" This was the answer you gave in  
17 answer to that question, and I quote: "I never heard any such  
18 news. However, I <did learn> that some people died <when I fled>  
19 the 'Yuon', <because> some <died> of starvation, and some <had  
20 been> shot dead by the 'Yuon'."

21 [09.27.08]

22 The investigator <retorts> by saying, <and I quote>: "<There are>  
23 films and records <which> show that <more than> two million  
24 people <were massacred> during the Khmer Rouge regime. <But> do  
25 you still believe <today> that no one died during <that time? Or

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1 that> there <were> just those who were killed while fleeing from  
2 the Yuon?" And <here> you answered by saying, <and I quote>:  
3 "There was so many. Many youths died during the fighting with Lon  
4 Nol and during the American bombing of Cambodia. Many died, and  
5 <we> buried <many of them. But a number of the bodies of the  
6 youth had been unearthed and taken away, I don't know where to."  
7 End quote.>

8 <And> My question is on your last sentence, which is that the  
9 bodies of some youths were <unearthed> and taken <somewhere, I  
10 don't know where exactly>. Can you explain what you meant <by  
11 this phrase? What is its essence? What were you were referring to  
12 exactly at that point in time when> you talked about the  
13 relocation of bodies?

14 [09.28.18]

15 A. During the wartime between the Democratic Kampuchea force and  
16 the Lon Nol force, the DK combatants' casualties were a lot, and  
17 their bodies were buried at <burial sites; for example, in Kaoh  
18 Andaet district, the bodies were buried at Doung Khpos village of  
19 Angk Khnaor commune>. The <> burial site in Tram Kak was  
20 <located> at the Angk Roka<, the location of the current Angk  
21 Roka market>. And the burial sites <> at <those> places, namely  
22 at Doung Khpos <and Angk Roka. The burial site at Doung Khpos  
23 has> been transformed into a housing residence. At Angk Roka, the  
24 same thing happened. The burial sites, or the pits or the tombs,  
25 were transformed into a health centre, a hospital, etc. That was

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1 the reason that I stated what you just read out.

2 Q. And why would you provide this detail at that moment when the  
3 investigators questioned you? Why <when> the investigators <>  
4 questioned you on your knowledge of the number of victims of the  
5 Democratic Kampuchea regime -- why is it then specifically that  
6 you explain that bodies were moved? What was the meaning of your  
7 answer here? Why did you provide that detail at that specific  
8 moment?

9 [09.30.45]

10 A. The number of casualties during the DK period was not  
11 officially announced on the radio, or there was such concrete  
12 information besides the fact that we only knew the number at the  
13 location that we stayed or lived. And during the time that I was  
14 fleeing from the Vietnamese invasion, I saw dead bodies of  
15 ordinary people <in the mountains> who were fleeing, and also I  
16 saw the burial <sites> for the DK combatants <who had died during  
17 the fighting with the Americans as well as the Lon Nol>, namely  
18 in <Doung Khpos and> Angk Roka. So, I did not know how those  
19 bodies <had> disappeared. Maybe the bodies were exhumed by the  
20 relatives for ceremony.

21 And let me clarify that what I stated was -- happened during the  
22 time after the reintegration of the DK forces <into> the  
23 government, and that happened around 1999 or 2000. As I was  
24 passing through Angk Roka to Kaoh Andaet <district via National  
25 Road 1> to the south of <Phnum Khlaeng towards Kampong Ampil>,

12

1 and the <burial site at Doung Khpos had been located just on the  
2 south of the said road, and I noticed that the burial site no  
3 longer existed>.

4 [09.32.46]

5 Q. Yesterday, when you were answering the questions put to you by  
6 my colleague, Victor Koppe, you said that you did not wish to  
7 answer any further questions regarding Vietnam in order to ensure  
8 your safety. <> I'd like to know if you would be willing to  
9 answer more questions regarding this <subject>, if we held an in  
10 camera hearing?

11 A. I do not want to give response in relation to the matter  
12 raised by you, for my security and safety. In Pailin area, where  
13 I am living, there are many Vietnamese there. So I am afraid, and  
14 there are also Vietnamese in Samlout area. Although the Chamber  
15 is granting in camera hearings, I believe I am not able to speak  
16 about it. I am afraid of speaking in relation to this matter.

17 MR. VERCKEN:

18 I have no further questions. Thank you very much, <sir>.

19 MR. PRESIDENT:

20 Thank you. You may proceed, Mr. Kong Sam Onn -- Counsel Kong Sam  
21 Onn.

22 QUESTIONING BY MR. KONG SAM ONN:

23 Thank you, Mr. President, Your Honours, everyone in and around  
24 the courtroom. Good morning, Mr. Witness.

25 [09.34.56]

13

1 Q. I would like to backtrack to the period in the 1970s in  
2 relation to your testimony yesterday and the day before  
3 yesterday. You said you were a <district level> member of the  
4 Front. What were your roles as a <district level> member of the  
5 Front?

6 MR. NEANG OUCH:

7 A. As part of the Front, I <was> tasked with propaganda. I am  
8 appealing -- I was to <reach out> to people to <love> the  
9 <National United Front of Kampuchea>, and <follow the policies of  
10 the National United Front of Kampuchea headed by> Samdech Euv <or  
11 King Father>.

12 Q. Thank you. Were you aware of the mission of the <National  
13 United> Front <of Kampuchea>?

14 A. The <mission of the National> United Front of Kampuchea <> was  
15 to struggle against <the> Lon Nol <regime in order> to bring  
16 Samdech Euv back into the country. <That's all I know.>

17 [09.36.43]

18 Q. Could you inform the Court <> the difference between the  
19 <National United> Front <of Kampuchea> and the <Communist> Party  
20 of <> Kampuchea?

21 A. I did not know <of> the difference between the <Communist  
22 Party of Kampuchea> and the Front, but initially in 1970, after  
23 the coup, the <National> United Front of Kampuchea was  
24 established. And later on I heard <of the existence of the  
25 Communist Party of Kampuchea. Again, I was not aware of> the



14

1 difference <between the two organizations> concerning <their>  
2 policies<. So> the <National> United Front of Kampuchea was first  
3 established, followed by the <Communist Party of Kampuchea>.

4 Q. Thank you very much. In your district, were there any  
5 difference in relation to the structure of the <National United  
6 Front of Kampuchea> and that of the <Communist Party of  
7 Kampuchea>?

8 A. I did not fully know about this matter. However, as I said, I  
9 am <tasked with the propaganda, and I was to reach out> to people  
10 <and explain to them about the policies of the National> United  
11 Front of Kampuchea. <Neary Khom (phonetic) and Ta Kaev (phonetic)  
12 were in charge of capacity building and mobilizing Party members.  
13 Since their tasks were different from mine, I was not aware of  
14 their affairs in detail. So I have no idea of the structural  
15 differences between the two organizations>. Later on I was  
16 removed <from there> by Ta Sy (phonetic), as I stated earlier.

17 Q. <Were> you aware <of whether the mission of> the United Front  
18 of Kampuchea <was completed by the time you were removed from  
19 there? Or someone else was put in your place?>

20 A. I did not know <as to> when <it was completed>. As I said, I  
21 fell sick for six months after my return.

22 [09.39.55]

23 Q. Thank you <>. I would like to discuss with you <more> in  
24 relation to your roles. You said that you were a <district  
25 assistant, and worked in> two districts, and you stated also that

15

1 you never became a district secretary. I would like to know in  
2 relation to your <coordination> work as a <district assistant>,  
3 whom did you work with?

4 A. You asked me about my role as a secretary -- as an assistant  
5 in two districts. In Kaoh Andaet, I helped the work of Ta Sieng  
6 and Ta Chan. Ta Sieng and Ta Chan, when they ordered me to go to  
7 the fields and work sites, I would follow <their> orders. So, as  
8 I said, I <just followed> their orders. In Tram Kak district,  
9 when I was an assistant, I was asked to help Ta Kit and Ta Chay.  
10 These two individuals assigned me to dig <> canals, to work in  
11 <dam> worksites, in the fields, so I followed their instructions.  
12 I was asked to help them in those worksites.

13 [09.41.54]

14 Q. <When it comes to your coordination work, I was referring to  
15 your workplace as well as other cadres at the same level as you.  
16 You mentioned going and working at various worksites. So with  
17 whom did you work at those worksites? What level of cadres were  
18 they with whom you worked at those worksites>?

19 A. At the <worksites where either canals or> dams <were  
20 constructed, I worked with chiefs of district> mobile units <and  
21 chiefs of youth mobile units from various communes>. So, I  
22 coordinated the work with the chiefs of <district> mobile units  
23 <and chiefs of commune level mobile units. I had meetings with  
24 them, and> discussed <with them about the work plans to be  
25 achieved within the district. For example, a> canal <was to> be

16

1 built from <Tumnob Phlov Louk (phonetic) to the east of> Wat Tuol  
2 Sangkae (phonetic) <through> Trapeang Andaek (phonetic). And we  
3 discussed <with each other on how and where the construction of  
4 the> canal <would be begun, We followed the same procedures with  
5 other projects. We discussed with each other and worked out the  
6 labour distribution. And as for the work load distribution among  
7 the concerning communes, it was dealt with technically and  
8 accordingly. That was the extent of my work when it came to  
9 coordination.>

10 Q. Thank you <>. You mentioned that you coordinated the work with  
11 <> heads of the <district> mobile units and also heads of the  
12 <commune mobile units>. In terms of the coordination of the work,  
13 were you and the other cadres <with whom you discussed work,> the  
14 same rank <>?

15 A. In <those> meetings we <discussed about our work>. I did not  
16 really understand <when you were talking of lower or higher rank  
17 that those people held>. Actually, <during those meetings, some  
18 people wanted to work in the plot where> the <earth> was <soft  
19 because it was> easy to dig. <So my task was to facilitate the  
20 work distribution among them during the meetings, but decisions  
21 were made> collectively. <I was there to facilitate on how those  
22 people would carry out their assignment; for example, I would  
23 decide which unit would start work first, and which one would  
24 start after that>.

25 [09.45.02]

17

1 Q. <> In <practice, in a case in which> one particular village  
2 <wanted to work on a plot> where the soil was <soft and> easy to  
3 dig, <and workers from other villages also wanted the plot, did  
4 you have the authority to make a decision as to who would work on  
5 the plot? Did you experience such a case>?

6 A. Actually, I never <experienced such a case. Since decisions  
7 had already been made collectively> in the meetings, <no one  
8 would complain about where their unit would be working. They  
9 would not argue or complain about the soil condition where they  
10 would be working on anymore by then>.

11 [09.46.06]

12 Q. <> Could you tell the Court who <chaired those> meetings at  
13 that time?

14 A. The heads of mobile units <from various villages> were invited  
15 to be in the meetings, and I was also in attendance. <I was not  
16 the person who chaired those meetings.> So, I was one among the  
17 <> attendants, and <> I was not assigned to preside over the  
18 meetings. As I said, <> the heads of mobile units <themselves>  
19 invited <heads of commune mobile units> to the meeting. Although,  
20 when I was absent, the meeting could also go ahead<, and they  
21 solved problems among themselves. I was not there all the time or  
22 throughout the month. Sometimes I had to return to sleep at  
23 home>. So my presence was not necessary on some occasions.

24 [09.47.28]

25 For instance <during the construction of a> canal <that

1 stretched> from <Tumnob Phlov Louk (phonetic), and past the area  
2 to the east of Wat> Tuol Sangkae (phonetic) <which> was <between  
3 20 and 30 kilometres away from Leay Bour commune, I had to return  
4 home to sleep. So the responsibility over the worksite fell on  
5 the chief of the district mobile unit. If I happened to go there  
6 when a meeting was in progress, I would attend the meeting with  
7 them, and listen to the discussion>.

8 Q. <> Could you tell the Chamber <from your personal experience  
9 as to> how much time <on a daily basis> you <spent at> the  
10 worksite <>?

11 A. <> I spent <the whole day, that was> from morning until the  
12 <evening before I returned home.> I had lunch with members of  
13 mobile units. <At> Boeng Angkor Borei and Boeng Preaek <L'pov  
14 Khang Lech> (phonetic), I stayed <there at the worksites with  
15 workers> for months.

16 Q. In relation to <asking for leave, from whom would> the <heads>  
17 of the <commune> mobile units or the <heads of youth units ask>?  
18 <From whom did they ask for leave when they needed a day off?>

19 A. What do you mean by saying when they wanted to be off from  
20 work? Because the workload and the working hours were clear for  
21 all of us. <Work started at 7 a.m., and they had lunch break at  
22 11 a.m. and work resumed at 1 p.m., and finished at 5 p.m. Those  
23 were> the working hours <set for the whole worksite>.

24 Q. <I was referring to the working hours of those members of  
25 mobile units. I would> like to <know whether any member of those>

19

1 mobile units<, who were either sick or had an emergency to attend  
2 to, could ask for leave. In such a case, from whom would> they  
3 seek permission <>?

4 [09.50.29]

5 A. Actually when <someone was sick, and it was obvious that she  
6 or he was sick, the person could rest and stay at the sleeping  
7 quarters. And if the condition of the person was severe, their  
8 colleagues would bring him or her to the hospital. Practically,  
9 the person did not need to seek permission>.

10 Q. In relation to the organisation or management of the commune,  
11 as an assistant <to the district>, what was your relation with  
12 <the> heads of the <communes within> the district?

13 [09.51.31]

14 A. I do not really understand the gist of your question.

15 Q. You stated many times already that you were an assistant to  
16 the districts. As a <district> assistant did you have any  
17 relation with the commune committees in your district?

18 A. I had work relations with the commune committees<, especially>  
19 when Ta Chay and Ta Kit asked me to meet with a certain commune  
20 committees. <In such a case,> I would go <> meet and relay the  
21 messages from Ta Chay and Ta Kit <to them. That> was the <type  
22 of> relations <I had with those> commune heads.

23 Q. Could you tell the Court <the> kind of work <> relations <you  
24 had> with those commune heads?

25 (Short pause)

20

1 [09.53.22]

2 A. <My work relations with the commune chiefs covered many  
3 aspects including worksite-related affairs,> economic matters<,  
4 and> food supplies <to be provided by the district to the  
5 district mobile units, and so I had to communicate with the  
6 chiefs of those communes to bring certain supplies to meet> the  
7 district need<. We had> work relations in these matters.

8 Q. What about the security matter? Did you have any work  
9 relations concerning the security matter?

10 [09.54.30]

11 A. I want to discuss with my duty counsel first.

12 MR. KONG SAM ONN:

13 You may proceed.

14 (Short pause.)

15 [09.55.49]

16 MR. PRESIDENT:

17 Witness, please <> give your answer.

18 MR. NEANG OUCH:

19 A. As for security matters<, it was the responsibility of> the <>  
20 district <militia unit> and the commune <militia units>.

21 BY KONG SAM ONN:

22 Q. <Regarding security matters, as a district assistant, did you  
23 have any direct work relations with those commune militia units>?

24 A. <> I did not have any <> contact the commune <militia units>.

25 [09.57.03]

21

1 Q. So who would <have direct contact with> you?

2 A. The communes would contact me, Ta Chay and Ta Kit. And after  
3 that Ta Chay and Ta Kit would give me the reports of <those  
4 communes,> and I would <take those> reports to Ta Ran.

5 Q. I would like to clarify this matter. In relation to the  
6 security <matter>, you <had contact with those> communes <and  
7 after that you passed the reports> to Ta Kit <or> Ta Ran -- is  
8 that correct?

9 [09.58.19]

10 A. On security < matters >, as I said, the < communes > would report  
11 < > to Ta Kit < or > Ta Chay and after that I was told to relay all  
12 the information to Ta Ran < or Ta Bith >. Ta < Kit > was < aging, and >  
13 not so well<, while > Ta Chay was < also aging, and could not ride  
14 a motorbike,> and he < lived > in < an area so-called > Chamkar Sieng  
15 (phonetic) at Damrei Romeal mountain < which > was about 30  
16 < kilometres > away from < Takeo. So it was me who lived the  
17 closest > to Ta Ran < >.

18 Q. < From my understanding, > the information concerning the  
19 security -- rather the information concerning the security  
20 < matters from the communes > would be < reported > to Ta Kit and < Ta  
21 Ran, rather > Ta Chay. < And > after that < > a decision < was made by  
22 either > Ta Kit < or > Ta Chay, < > you would < be asked to draft the  
23 decision, and then the decision was forwarded to the communes. Do  
24 I understand this correctly >?

25 A. No, that's not correct. I already stated that < Ta > Kit was not



1 well, and <Ta Chay lived> far away. After they received the  
2 information, then they instructed me to report the matter to Ta  
3 Ran and whatever decision was made by Ta Ran, he instructed me to  
4 dictate it.

5 Q. Thank you. Regarding the implementation of the order or the  
6 decision, did you have any report or information on the  
7 implementation of the order or the instruction from Ta Ran?

8 A. I received the orders from Ta Ran on all those decisions on  
9 the matters.

10 Q. Yes, we got it that you received the orders. However the point  
11 is -- I put to you is on the implementation of those orders or  
12 decisions. Were there any measures or methodology on the  
13 monitoring of the implementation of those orders or instructions?

14 A. Personally I did not monitor the implementation of the  
15 decisions.

16 [10.02.22]

17 Q. On the issue of the economics, which you stated was part of  
18 your duty, that you had to deal with this matter with the  
19 communes, can you tell the Court what involved the economic  
20 matter that you had to deal with at commune level?

21 A. The economic matters that I had to deal with the communes was  
22 that I was acting as a spokesperson for Ta Kit or Ta Chay to the  
23 communes, to the mobile units. For instance on the need of the  
24 food supply for a certain commune or a certain mobile unit, and  
25 whether they needed additional meat or additional vegetables. And

1 then the commune would implement it and would supplement the  
2 needed supplies. And that's how we dealt with <the various  
3 communes regarding> the economic issues.

4 Q. Was there a request crossing from one commune to another? For  
5 instance, if a commune needed certain equipment or tools then  
6 they <submitted> a certain request to you, and then there was  
7 coordination amongst the commune level to fulfil the need of a  
8 requested commune?

9 [10.04.41]

10 A. I did not encounter this experience that a commune requested  
11 another commune to assist in <terms of> the economical matter. It  
12 did not happen that way. When a commune needed certain things,  
13 then they would submit a request to <either> Ta Kit <or> Ta Chay.

14 Q. And for you personally did you ever receive or make a decision  
15 on this kind of request?

16 A. No.

17 [10.05.52]

18 Q. Also on the issues at the commune level and in the economic  
19 matter, did the district have any measures for the commune to  
20 <take> certain <actions> regarding the economic issues?

21 A. On the economic matters, during each meeting chaired by Ta Kit  
22 or Ta Chay, he kept advising the communes to deal with the  
23 economic matter effectively and efficiently and to increase the  
24 agricultural production. And if the rice production was not  
25 sufficient they had to supplement it by engaging in <growing

1 crops on> plantations along the base of the mountains <including  
2 Damrei Romeal mountain>. There was such a work plan which was  
3 raised and presented during the meetings held at the district  
4 level.

5 Q. In your position as a district assistant, did you receive a  
6 request, or whether your district receive a request for food  
7 supply supplements from any <commune>, or any mobile unit, which  
8 was under the supervision of the district? And if that was the  
9 case, what was your solution to that?

10 [10.08.07]

11 A. I already stated all these matters and decisions were made  
12 through a joint meeting at the district level. So the district  
13 committee -- that is, <> Ta Chay or Ta Kit, would call the  
14 commune chiefs to those meetings. Then they would raise the  
15 matters, and solutions or decisions would be made <during those  
16 meetings>.

17 Q. How <often> were the meetings held regarding the food supply  
18 issue?

19 A. The meetings held at the district where the commune committees  
20 were invited to attend, it was held on a monthly basis.

21 Q. And who chaired such a meeting?

22 A. When Ta Kit was there he would chair the meeting, and after  
23 that, if Ta Kit was not in, then Ta Chay would preside over such  
24 a meeting.

25 Q. And for you, did you ever represent Ta Chay or Ta Kit to

1    preside over such a meeting?

2    A. No, I did not.

3    Q. This morning you stated that you worked with Ta Ran until the  
4    time the Vietnamese troops arrived. Can you tell the Court  
5    whether Ta Ran was in the sector chairmanship position until the  
6    end of the regime?

7    A. To my recollection Ta Ran worked in that capacity until the  
8    arrival of the Vietnamese.

9    Q. Were you aware of any replacement or changes to the head or  
10   the chairman of Sector 13 at any stage or at any time during the  
11   regime?

12   A. I saw brother Prak who was there before Ta Ran, and he was  
13   there for only a month or two and then I didn't see him and Ta  
14   Ran was there; and he was there until the end of the regime  
15   together with Sam Bith.

16   [10.12.14]

17   Q. Did you participate in any meeting at the commune level where  
18   an announcement of a new head of the sector was made? That is  
19   towards the later <stage> of the regime, for instance in 1978?

20   A. No, I never made such an announcement but the communes  
21   themselves were aware of the changes, because he constantly came  
22   down to the <various> communes <within Tram Kak district> on his  
23   motorbike so they were aware of the change.

24   (Short pause.)

25   [10.14.01]

1 Q. This is my last question and it is related to Ta Mok. Since  
2 you knew Ta Mok and you were also related to him, can you tell  
3 the Court about the leadership style of Ta Mok during the regime  
4 in his capacity of the secretary of the Southwest Zone?

5 [10.14.54]

6 A. It is very difficult for me to understand the nature of this  
7 matter. Regarding his leadership I can say that he went to most  
8 of the worksites within the zone. <He went to most villages and  
9 communes.> Namely he would go constantly to a dam worksite in  
10 Angkor Borei. In short, it means he was pretty much an open  
11 person. If there was a request for something and if he had it  
12 then he would give it to you. For example clothing -- clothes or  
13 equipment or tools, a tractor for instance. If you needed a  
14 tractor to plough a rice field here and there, and if he had it,  
15 then he would get it. While I was at Kaoh Andeat district, cows  
16 were used to thresh the rice grains from the rice husk. And then  
17 the cows were injured and because there <were 90 threshing  
18 floors> to <be threshed>, then we saw a request <for a tractor to  
19 finish the task> from Ta <Chan (phonetic) to> Ta Mok<, and Ta Mok  
20 approved the request. So I observed that he was a very  
21 open-minded leader.>

22 Q. You stated he was rather an open person, or an open-minded  
23 person, that he would even deal with a minor matter. Can you tell  
24 the Court about Ta Mok's involvement in the decision making  
25 process, for example from a major issue to a minor matter? And I

1 mean through your own experience.

2 [10.17.35]

3 A. I do not know where to start or what to tell you because I did  
4 not know regarding his decisions on important matters, namely to  
5 deal with the military issues or on the protection of the border.  
6 On the practical issues at the base, for instance to deal with  
7 the matters at the work site on building dams or canals, or to  
8 deal with the living conditions of the <villagers>, then I knew  
9 about <those matters>.

10 MR PRESIDENT:

11 Counsel, how many more questions do you have, as you are running  
12 out of time? <You have overused about 10 minutes of your time.>

13 [10.18.34]

14 BY MR. KONG SAM ONN:

15 Mr. President, I only have one last question. Mr. Witness my last  
16 question in relation to Ta Mok, we have heard that there is an  
17 expression that on top of Ta Mok's head there is a <hat> and on  
18 top of <his hat> was <only the> sky. <Have you ever heard of the  
19 expression?> Can you <explain to the Chamber the meaning of the  
20 expression?>

21 A. I think the expression was known probably at the time that Ta  
22 Mok was sent by the government to be detained at Tuol Sleng. He  
23 said on Mok's head there was a <hat>, and above <his hat> there  
24 was <only the> sky, and if one were to interpret that, it means  
25 that there would be only him on earth because there was nothing

1 else above him. And above him there was only his <hat>, and above  
2 his <hat> there was <only the> sky. <Figuratively, he was holding  
3 the highest position.> However this is my own understanding and  
4 interpretation. <I am not quite sure of the actual interpretation  
5 of the expression.>

6 [10.20.05]

7 Q. Thank you Mr. Witness, and thank you, Mr. President. I don't  
8 have any further questions.

9 MR. PRESIDENT:

10 Mr. Neang Ouch, the Chamber is grateful for your time to testify  
11 for three and a half days before us, and your testimony will  
12 contribute to ascertaining the truth in this case. Your testimony  
13 has now come to a conclusion and you may now be excused.

14 Therefore you may return to your place of residence or wherever  
15 you wish to go, and we wish you a safe journey home.

16 And court officer, please, in cooperation with WESU, make  
17 necessary transportation for Mr. Neang Ouch to return to his home  
18 or wherever he wishes to go to.

19 And Mr. Duty Counsel we would like to thank you for your  
20 assistance.

21 It is now convenient to take a short break and we will resume at  
22 twenty to eleven. And when we resume we will commence hearing the  
23 testimony of the new witness -- that is, 2-TCW-948 and we will  
24 have the same duty counsel to assist the witness.

25 The Court is now in recess.

1 (Court recesses from 1023H to 1043H)

2 MR. PRESIDENT:

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

4 Before we invite, 2-TCW-948, to the witness stand, I give the  
5 floor to Judge Fenz first -- first to <seek clarification on> the  
6 request from Victor Koppe to visit <the execution site,> Krang Ta  
7 Chan security office. You may proceed, Judge Fenz.

8 [10.44.27]

9 JUDGE FENZ:

10 Thank you, President. As the President has said, this is about  
11 the request for a site visit at Krang Ta Chan. We note that the  
12 request was reasoned in rather general terms, probably because it  
13 was spontaneous. We further note that the other Parties didn't  
14 object. The Chamber has now had a look at the site ID report  
15 which is in the case file, E3/5828. And after we have read the  
16 report, we would ask the defence to clarify what additional  
17 relevant information could be gained from a site visit as opposed  
18 to just reading the site report. We -- obviously, we'll give the  
19 defence some time to have a look at the site ID report, and we  
20 would expect a clarification either again, what additional  
21 benefit or what additional relevant information could come out of  
22 a visit or a withdrawal of the request, whatever it is, after the  
23 lunch break and after the defence has had time to have a look at  
24 this site ID report.

25 [10.46.02]



1 MR. PRESIDENT:

2 Thank you, Judge Fenz. Court officer, please usher in 2-TCW-948,  
3 together with his duty counsel.

4 (Witness enters courtroom)

5 [10.47.59]

6 QUESTIONING BY THE PRESIDENT:

7 Good morning, Mr. Witness. What is your name?

8 MR. NUT NOV:

9 A. Mr. President, Your Honours, everyone in and around the  
10 courtroom, my name is Nut Nov. I am 74 years old, I am living in  
11 Angk Roneab village, Tram Kak commune, Tram Kak district, Takeo  
12 province. I am a member of the commune committee and I am the  
13 achar for the marriage ceremony.

14 [10.48.48]

15 Q. Could you spell your name? Please hold on, Mr. Witness. You  
16 are instructed to wait for the microphone activation, otherwise  
17 your voice is not heard in the courtroom.

18 A. The spelling of my name is, <N-O-V>.

19 Q. I have heard you state <> your current address. And where were  
20 you born?

21 A. My place of birth was in <> the same place where I am living  
22 now.

23 Q. What <are> your parents' names?

24 A. My father's name is Nut Nob, deceased. My mother's name is Mut  
25 Phen, deceased.

1 Q. What about your wife, what is her name? How many children do  
2 you have together?

3 A. My wife's name is Bou Sao. She is <handicapped>. She could not  
4 move because she had a traffic accident <-- she was hit by a  
5 car>. I had nine children, and <my eldest son> was killed in Pol  
6 Pot time. <I currently have eight children: two daughters and six  
7 sons.>

8 [10.50.41]

9 Q. <Thank you, Mr. Nut Nov.> The Greffier made an oral report  
10 that to your best knowledge, none of your father, mother,  
11 ascendants', children or descendants, brothers, sisters and  
12 in-laws or wife is admitted as a civil party in Case 002; is that  
13 information correct?

14 A. That is correct.

15 Q. In the same report, you have already taken an oath before the  
16 <Iron Club Statue> to the east of the courtroom; is that correct?

17 A. That is correct. I have taken an oath already.

18 Q. The Chamber would like to inform you of your rights and  
19 obligations as a witness. As a witness, in the proceedings before  
20 the Chamber, you may refuse to respond to any questions or to  
21 make any comments which may incriminate you. That is your right  
22 against self-incrimination. This means that you may refuse to  
23 provide your response or make any comment that could lead you to  
24 be prosecuted. As for your obligation as a witness in the  
25 proceedings before the Chamber, you must respond to any question

1 made by the Bench or relevant Parties except where your response  
2 or comment to those questions may incriminate you as the Chamber  
3 has just informed you of your rights as a witness. As a witness,  
4 you must tell the truth that you have known, heard, seen,  
5 remembered, experienced or observed directly about an event or  
6 occurrence relevant to the questions that the Bench or Parties  
7 pose to you. Do you understand <> your rights and obligation, Mr.  
8 Nut Nov?

9 [10.53.13]

10 A. Yes, I understand.

11 Q. Thank you, Mr. Nut Nov. Have you ever provided your statement  
12 to an investigator of the OCIJ? Where did it take place and how  
13 many times did you give your statement?

14 A. I may give my statement seven times. <I cannot recall all of  
15 them.> The last one took place at the Tram Kak commune office.  
16 That is from my recollection.

17 Q. Thank you very much. Before you are here in the courtroom,  
18 have you read your statements already -- that is, the statement  
19 you provided to the investigators of the OCIJ already?

20 A. I have reviewed the document which there is a statement I gave  
21 at the commune hall office. I may forget some and I may recall  
22 some.

23 [10.54.44]

24 Q. To the best of your knowledge and to your recollection, does  
25 the <written record that you read> reflect <the> statement <that>

33

1 you gave <to the investigators> at that time?

2 A. Yes. Yes, the statement <> reflects what I gave to the  
3 investigator at the commune hall office.

4 Q. Thank you, Mr. Nut Nov. You have the duty counsel, which the  
5 Chamber provides to you. And your duty counsel's name is Mr.  
6 Moeurn Sovann. Did you already make consultation or discussion  
7 with your duty counsel already before you are here?

8 [10.55.40]

9 A. Yes, I have discussion already with my duty counsel. He <gave  
10 me some advice>.

11 MR. PRESIDENT:

12 <Thank you.> So based on the Internal Rule <> 91 bis, the Chamber  
13 would like to <give> the floor first to the <Co-Prosecutors to  
14 put questions to the witness. The combined time for the  
15 Co-Prosecutors and the Lead Co-Layers for civil parties is one  
16 and a half sessions to put questions to this witness.> You may  
17 proceed, Mr. Co-Prosecutor.

18 Please hold on, Mr. Co-Prosecutor. Victor Koppe, you may proceed.

19 MR. KOPPE:

20 Thank you, Mr. President. Apology for interrupting or not letting  
21 the Prosecution start with their questioning. But did we hear  
22 correctly that the witness said that he gave seven statements?  
23 Because, if that is correct, we're missing five. And if we're  
24 missing five statements, I really do not see the point in  
25 continuing with the examination of this witness. And so my

1 request is to verify this number, Mr. President. And if he  
2 verifies, I think, no I know, we will request to postpone the  
3 testimony of this witness.

4 [10.57.19]

5 BY MR. PRESIDENT:

6 Mr. Nut Nov, how many times did you give the statement to the  
7 investigator of the OCIJ of the ECCC? Where did it take place?  
8 And when did you provide it? I refer <to> only the statement that  
9 you gave to the investigator of the Office of the  
10 Co-Investigating Judges of the Extraordinary Chambers in the  
11 Courts of Cambodia <>.

12 MR. NUT NOV:

13 A. Thank you, Mr. President. I gave the statements three times at  
14 my own residence <but I do not remember the dates>. And I gave  
15 another interview or statement at Mr. <Huo> Hum (phonetic) <>,  
16 and I gave another statement at the commune hall office <>.

17 [10.58.24]

18 Q. As for the statements that you said you gave three times at  
19 your home or residence, did that -- did it take place on the same  
20 day or did it take place on different days? And <try to recall>  
21 when <those interviews took> place<.>

22 A. Actually, I gave <those> statements on different occasions.  
23 <On one occasion, I gave a statement over a period of one year,  
24 while on another separate occasion, I gave another statement over  
25 a period of two years>. I did not recall <them well as I do not

1 have the documents with me>.

2 Q. The three interviews that took place at your residence, who  
3 were the interviewers? From which organisation? And can you  
4 recall their names?

5 A. They were investigators from the working group of Mr. Chhang  
6 Youk, Socheat, <Choung> Sophearith and others whose names I  
7 cannot recall.

8 Q. When you were interviewed at your home, were <all of them part  
9 of the working group of> Mr. Chhang Youk?

10 A. Yes, that is correct.

11 Q. What about your statement at <Huo> Hum's (phonetic) house? And  
12 <where was> this person's house<? Which> village<, commune,  
13 district was his house> located <>?

14 [11.01.05]

15 A. Huo Hum's (phonetic) house is located in the same village and  
16 <his house> is <next to> my house.

17 Q. <To whom did you give> the interview <that> took place at <the  
18 house of Huo> Hum (phonetic) <>?

19 A. <They were also> from the same documentation centre. And there  
20 was <a> foreigner <among them. I am not sure whether he or she  
21 was a Korean or French. He or she was more likely a French  
22 national>.

23 Q. Was there any Cambodian individual who <came along>?

24 A. Yes, there was but I cannot recall the name.

25 Q. So, there were a foreigner and some Cambodians <>. Can you

1 tell the Chamber how many people exactly in that group <who  
2 approached you for> the interview at <Huo> Hum's (phonetic)  
3 house?

4 A. There were two Cambodians, one of whom was a driver, and <the>  
5 foreigner <was a lady>.

6 Q. Thank you. Can you recall when you were interviewed at that  
7 specific location? Please try to <jog your memory>.

8 [11.02.41]

9 A. <My apologies>, Mr. President. <> I did not take <note of> the  
10 date, so I cannot recall it.

11 Q. At least give us a year, you can do that.

12 A. I am <> not sure <of the> year <as well>.

13 Q. And you also stated that you were interviewed once at a  
14 commune office. Which commune office <did that interview take  
15 place>?

16 A. It was at the Tram Kak commune office.

17 Q. And who actually interviewed you at that Tram Kak commune  
18 office? Mr. Witness, please respond to the question because  
19 probably you already responded when the microphone was not  
20 activated.

21 A. The interview took place at Tram Kak commune office. And at  
22 that time, I was interviewed by people from the Khmer Rouge  
23 tribunal. There was one investigator and one foreigner and <> an  
24 interpreter.

25 [11.04.48]

1 Q. And can you recall the date of that interview?

2 A. In fact, I bring that document along but I cannot recall the  
3 date.

4 Q. Do you bring the two written records of interview?

5 A. I bring only one.

6 Q. When you were interviewed at <Huo> Hum's (phonetic) house and  
7 another occasion -- that is, when you were interviewed at the  
8 Tram Kak commune office, that was a time that you were  
9 interviewed by the investigator from the ECCC, can you tell the  
10 Court how long <> it <was> before the interview conducted by the  
11 ECCC investigator compared to the last time that you were  
12 interviewed at <Huo> Hum's (phonetic) house?

13 A. I think <the gap> was four years <>.

14 MR. PRESIDENT:

15 Court officer, can you take the documents that the witness has  
16 with him so that I can check it?

17 (Short pause)

18 [11.08.54]

19 MR. PRESIDENT:

20 Court officer, you can have the document back and please, keep it  
21 for the witness. And Counsel Koppe, are you clear now on the  
22 numbers of the interviews? Or you have any other matters or  
23 concern to raise?

24 MR. KOPPE:

25 Well, I would be really interested in having the DC-Cam



1 statements. We tried to see if we can get access to the DC-Cam  
2 database but nothing shows up. I don't know -- I am looking at  
3 the Prosecution whether they have access to DC-Cam statements or  
4 whether they know anything about other statements. I know -- I'm  
5 sure investigators or legal officers from the Case 003 and 004  
6 investigations are following the proceedings. Maybe they have an  
7 answer. We can start with this witness, 20 minutes and maybe we  
8 can find out what situation is during the lunch break.

9 [11.10.12]

10 MR. PRESIDENT:

11 Yes, the International Deputy Co-Prosecutor, you have the floor.

12 MR. DE WILDE D'ESTMAEL:

13 Thank you and good morning, Mr. President and Your Honours. We  
14 are in the same situation as the Defence. We have two records of  
15 interviews by the Co-Investigating Judges. And we <did> not know  
16 that the witness <had given> interviews with DC-Cam and we never  
17 <laid our eyes on> any record of such interviews <from DC-Cam>.  
18 So <of course,> during the break, we could look into the matter.  
19 <That said> I think <that> all the Parties are in the same  
20 situation -- we are on the same footing. But I don't think this  
21 should stop us from moving forward and questioning <the> witness.

22 MR. PRESIDENT:

23 Yes. And the Co-Prosecutors, you have the floor now to start with  
24 your questioning of this witness.

25 [11.11.16]

1 QUESTIONING BY MS. SREA RATTANAK:

2 Good morning, Mr. President, Your Honours, and everyone in and  
3 around the courtroom. And good morning, Mr. Witness. My name is  
4 Srea Rattanak. I am a National Deputy Co-Prosecutor and I have  
5 some questions to put to you. And after my conclusion, my  
6 international colleague will have the floor to put some questions  
7 to you.

8 Q. Through your interviews with the investigators of the Office  
9 of the Co-Investigating Judges -- that is, document E3/5521, and  
10 the question number 1, you stated that before 1970, you were a  
11 farmer at Angk Roneab village, Tram Kak commune at Tram Kak  
12 district. Also in question-answer 4, you stated that after the  
13 Khmer Rouge entry and control in 1970, you were appointed by the  
14 Khmer Rouge as a group leader. And can you tell the Court in  
15 which village or commune you were appointed as a group leader?

16 MR. NUT NOV:

17 A. <I was a group leader in> Angk Roneab village, Tram Kak  
18 commune, Tram Kak district.

19 [11.12.49]

20 Q. How long did you live in that area?

21 A. I was there from 1970 to 1973.

22 Q. In the same document -- that is, your interview with the OCIJ  
23 investigator -- that is, document E3/5521, at question-answer 5,  
24 you stated that from 1970 to 1973, people were made to work in  
25 the rice fields in a mutual exchange. And this mutual assistant

40

1 team was a production group that <worked> the rice field  
2 <together, and the yield would be distributed according to the  
3 type of workforce the workers fell in> -- that is, Type 1, <the  
4 adults,> Type 2, <those workers below 18 years of age,> and Type  
5 3<, children and the elderly>. Can you tell the Chamber <> the  
6 difference between <a> mutual assistant team <> and a  
7 cooperative?

8 A. The difference between <a> mutual assistant team and <a>  
9 cooperative was that in <a> cooperative, <people worked and> ate  
10 communally<, while members of a> mutual assistant team <split the  
11 harvest>.

12 [11.14.17]

13 Q. In the same document, in question-answer 20, you stated that  
14 in 1974, you joined the army and later on, you were -- you  
15 contracted malaria and abscess, and then you went to work at the  
16 Nhaeng Nhang commune office. Can you tell the Court when <> that  
17 happened? And until when did you finish working there?

18 A. I worked at the Nhaeng Nhang commune office until 1977.

19 Q. What was your <position>?

20 A. I worked in the office.

21 Q. I meant your daily duties at that Nhaeng Nhang commune office.  
22 What were your routine works?

23 A. My daily routine at the Nhaeng Nhang commune office was to  
24 request and arrange for the food supply to be sent to the front  
25 battlefield. The food supply included vegetable for instance.

1 Q. In 1975, were you aware of the evacuation of the people?

2 A. Thank you for that question. In 1975, initially I did not know  
3 about the people evacuation, and later on when I saw the large  
4 crowd of people coming in, then I knew that people had been  
5 evacuated from <the cities>.

6 [11.16.26]

7 Q. And what happened to those evacuees in your village or  
8 commune?

9 A. It seems that there was nothing that happened to them.

10 Q. What do you mean by that -- that is, that nothing happened to  
11 them?

12 A. Those people who came in, the commune <made> arrangements for  
13 them to live in various villages. That's why I said nothing  
14 happened to them.

15 Q. In your commune, did you know how many families of the 17  
16 April People were allowed to stay there or were sent there?

17 A. No, I did not know.

18 Q. Can you make your best guess, for example, 70, 60, or in  
19 hundreds, in thousands?

20 A. It was in thousands for the villages and commune, and I refer  
21 to the thousands of individuals, not the thousands of families.

22 [11.18.10]

23 Q. Initially, was there a plan for these New People to fill in  
24 their biography?

25 A. At the beginning, <> they were not required to fill in their

1 biography. We lived mingled together, ate meals together.

2 Q. How could they distinguish who the 17 April People were or who  
3 the Base People were?

4 A. In fact, they had <a> list of the newcomers and the list of  
5 the Base People.

6 Q. Among the New People, did they know their backgrounds -- I  
7 meant whether they were former Lon Nol soldiers or former civil  
8 servants?

9 A. No, they could not make that distinction.

10 [11.19.56]

11 Q. In the same document -- that is, E3/5521, at question-answer  
12 30, you were asked the following question and I quote: "In your  
13 village, were people told that if anyone used to be a soldier or  
14 teacher or government official, they would be made to go to work  
15 in the same place?" Answer 30: "Yes, they were. But those people  
16 were not called to go to anywhere. But if someone disagreed or  
17 opposed, they were called to study and those people were never  
18 seen coming back." End of quote. What do you mean when you made  
19 that statement that I just read out to you?

20 A. It means that people were told or there was a propaganda that  
21 former people could go back to their former position or job, but  
22 if they <opposed> the Democratic Kampuchea, then they <would be>  
23 arrested and never returned. And later on, when -- if people ask  
24 about them, we were told that they <had been sent off> for  
25 re-education.

1 Q. You state that if they <opposed> the Democratic Kampuchea  
2 regime, what do you mean by that? Can you elaborate it a little  
3 bit further -- it means those people oppose the propaganda or  
4 they <opposed> the policies of the Democratic Kampuchea <in  
5 general>?

6 A. They <opposed> the <> principles <in general>.

7 [11.22.07]

8 Q. Did you witness by yourself, for instance, people <who opposed  
9 the principles in general>? Can you give us an example or two?

10 A. In fact, I did not encounter it, but I heard other people  
11 talking about it, as I mainly stayed in the office.

12 Q. In the same document -- that is, E3/5521, at question-answer  
13 39, you were asked about the number of cooperatives in the Nhaeng  
14 Nhang commune, and you answered that they first organised them  
15 into villages and then they organised them into units. Can you  
16 tell the Court when they started organising cooperatives at the  
17 village level? I want you to recall the dates.

18 A. <People were organised into> units in 1977. I think it was in  
19 late 1977 or early 1978.

20 Q. What about the mutual assistant teams as you stated earlier?  
21 When <were> the mutual assistant teams <transformed> into  
22 cooperatives?

23 A. The mutual assistant teams were <converted> into cooperatives  
24 at the time of the liberation in 1975 and that's when <there was  
25 a huge influx of evacuees, and> people started to eat

1 <collectively>. That is based on my personal recollection.

2 [11.24.40]

3 Q. Can you provide a little bit clearer explanation? Or, maybe I  
4 am confused. You seem to give two different answers. So, <in  
5 response to> my first question <as to> when <> cooperatives <were  
6 introduced to> the villages<,> you said that it was in late '77  
7 or early '78. <Then> I asked <you as to when> the mutual  
8 assistant teams <were> transformed into <> cooperatives and you  
9 said that it was in 1975. So can you tell the Court what happened  
10 between 1975 and 1977 or early '78? <Or cooperatives were known  
11 as another> form of <an> organisation? And please, if you don't  
12 understand my question, tell me so, so I can rephrase it.

13 A. Please, rephrase your question.

14 Q. I asked you a few minutes back <as to> when cooperatives were  
15 <organized in> villages or at the village level, and your  
16 response was consistent with the response you provided with the  
17 OCIJ investigator. And that is the cooperatives were organised in  
18 -- at the village level in late <1977> or early <1978>. And later  
19 on, in response to my question as to when mutual assistant teams  
20 were transformed into <> cooperatives, and you <said> that it  
21 happened in 1975. So my question to you is, <whether during> the  
22 period between <1975 and 1977> or early <1978,> cooperatives  
23 <existed.> And if so, <how were they organized? Were> they  
24 organised in the villages <as what you mentioned earlier>? Or  
25 what other forms of cooperatives that existed during this period

1 of time?

2 [11.27.13]

3 A. <My apologies,> I think I am confused. In fact, in 1975, when  
4 <a large influx of> city dwellers arrived, they organised the  
5 mutual assistant teams and then they organised the cooperatives.

6 Q. And when was the private ownership abolished in your commune?

7 A. I cannot recall the date. It's been a long time.

8 Q. And when <were> you yourself <> instructed to work communally  
9 or to eat communally?

10 A. Communal eating and working applied to everyone at the  
11 location starting from 1976.

12 Q. If I am not mistaken and based on your response, the  
13 difference between a mutual assistant team and a cooperative <>  
14 was that <workers within a> cooperative <worked and> ate  
15 communally. And you said that you started eating communally in  
16 1976. So can we say that the cooperatives were established in  
17 1976?

18 [11.29.12]

19 A. I think I am not really certain. So I cannot tell you for  
20 sure.

21 Q. In the same document, in question-answer 40, you also state  
22 that the cooperatives were established at the villages and then  
23 units were established and then, people were categorised into  
24 different groups, for instance, full-rights <people, candidate  
25 people, and> depositees, etc. Can you explain to the Court when



1 did that happen?

2 A. Indeed that is what happened, there were different groups, the  
3 full rights people, the candidate people and the depositees. The  
4 full rights people refer to the faithful or loyal people to  
5 Angkar. And the candidate people refer to those <whose> children  
6 <had been sent for> study or <whose> children <had lived> in the  
7 enemy zone. As for the depositees, they refer to all city  
8 dwellers who had been evacuated.

9 [11.31.06]

10 Q. Can you tell the Court when these categorisations happened?

11 A. <My apologies>, I cannot really recall when it happened.

12 Q. As you have just stated, and it is consistent with your  
13 response in document E3/5521 -- that is, at question-answer 45,  
14 you stated that in Nhaeng Nhang commune, you were in charge of  
15 receiving and distributing food supplied from the district to the  
16 cooperatives. Can you elaborate further for the Court <as to> how  
17 <> the arrangement for food distribution to the cooperatives <was  
18 made>?

19 A. <I just supervised the process as the> food distribution was  
20 merely based on the <> ratio <set for certain units and villages>  
21 by the commune chief.

22 Q. Was the decision on food distribution made at the commune  
23 level or at another level?

24 A. In fact, the district gave us an overall package but the  
25 commune would distribute it <to various> units <within the

1 commune>.

2 [11.33.05]

3 Q. So from your experience, was food distribution sufficient at  
4 that time?

5 A. No, food was not sufficient at that time. There was food  
6 shortage.

7 Q. You said there was a food shortage. Can you elaborate a bit  
8 further?

9 A. Sometimes we had to eat gruel, sometimes <we had> cooked rice.

10 Q. What do you mean by that?

11 A. We had gruel and sometimes we could <have> cooked rice.

12 Q. I asked you about a food shortage. What do you mean by that,  
13 you meant that people could not eat to their own fill? And we  
14 want you to elaborate on this point from your experience.

15 A. People could not eat their fill. That's what I meant by food  
16 shortage.

17 Q. While you were in Nhaeng Nhang commune, did people get sick?

18 A. Yes, people got sick and mainly those New People who <were>  
19 not used to engage in labour <work> in the rice field and then  
20 they fell ill.

21 [11.35.12]

22 MR. PRESIDENT:

23 Thank you. And it is now convenient for us to have a lunch break.

24 We will take a break now and resume at 1.30 this afternoon.

25 And Court officer, please make an arrangement for the witness

48

1 during the lunch break and invite him back into the courtroom  
2 with his duty counsel. And that is at 1.30.  
3 And security personnel, you're instructed to take Khieu Samphan  
4 back into the waiting room downstairs and invite him back into  
5 the courtroom this afternoon before 1.30.

6 The Court is now in recess.

7 (Court recesses from 1135H to 1334H)

8 MR. PRESIDENT:

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

10 I hand over the floor to the Deputy <> Co-Prosecutor. You may  
11 proceed.

12 [13.34.38]

13 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. President, and good afternoon to all of you.

15 Witness, I'm going to question you this afternoon regarding the  
16 events that occurred between 1975 and 1978.

17 MR. PRESIDENT:

18 You may proceed Mr. Koppe.

19 MR. KOPPE:

20 I apologise. I was wondering if there's any news in relation to  
21 additional statements, either DC-Cam statements or statements  
22 coming from Case 003 and 004. I was hoping that maybe during the  
23 lunch break the Prosecution had time to investigate this and I  
24 was wondering if there was any news on this.

25 [13.35.33]

1 BY MR. DE WILDE D'ESTMAEL:

2 Mr. President, we have <looked but we have> not found any further  
3 answers than <those presented> earlier on. We only have two  
4 written records <of interview before the Co-Investigating Judges>  
5 on the case file. There's nothing from Cases 003 and 004 that has  
6 not been given to the Parties and <> we also don't have any  
7 traces of interviews that were given at DC-Cam, neither among our  
8 documents, nor on site, nor on the case files. So, Mr. President,  
9 I suggest that we continue on the basis of the records that were  
10 taken before the <Co-Investigating> Judges. So, as I was saying  
11 Witness, I'm going to question you. First, I need some  
12 <clarification on a matter>.

13 Q. You said that you had no nickname or no revolutionary name in  
14 <your> written record <of interview>, E3/5521, however, you held  
15 an official position. You were a commune chief <in Srae Ronoung>.  
16 <What> would the cadres call you <back then> when you were  
17 working in Nhaeng Nhang and Srae Ronoung communes?

18 [13.37.01]

19 MR. NUT NOV:

20 A. Thank you. At that time, I was referred to as Ta <by people  
21 in general>.

22 Q. Was this a revolutionary name <or-- what> did it mean?

23 A. It was very popular to refer to an individual by Ta or  
24 grandfather.

25 Q. Were you <ever> called Ta Neou? -- N-E-O-U-V or N-E-O-U?

1 A. Yes, I was referred to as Ta <Nov>.

2 Q. Mr. President, I would like to give three documents to the  
3 witness. First of all, the two written records of interview  
4 before the Co-Investigating Judges because we will need them  
5 later and also a third document, which is document, E3/2452. And  
6 for the written record it is <document> E3/5521 and E3/19.1.17.  
7 <Do I have your> leave to provide these three documents to the  
8 witness?

9 [13.38.54]

10 MR. PRESIDENT:

11 You may proceed.

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. <Okay, so the> first question I'm going to put to you, <Mr.>  
14 Witness, regards document, E3/2452, which is a poor copy, I must  
15 say, of a handwritten document and I'm going to read out the ERNs  
16 -- the relevant ones -- Khmer, 00270998; English, 00843036;  
17 French, 00872836; and in French <it is towards> the bottom of the  
18 page. So this is a <> a partial report, dated 8 October 1977,  
19 which was drafted in Srae Ronoung and which is signed by a  
20 <certain> Nov, N-O-V. This report relates to <> a person from the  
21 New People named Sen Keo who came from District 109 and who  
22 deserted his unit <in Sre Ronoung> and who went <to> Leay Bour  
23 for two days. <Mr.> Witness, can you tell me if this is your  
24 signature <>? So we're speaking here about a person who signed by  
25 the name of Nov -- is that you?

1 MR. NUT NOV:

2 A. <> I could not recognise it and as for the handwriting, it is  
3 not my handwriting.

4 [13.41.08]

5 Q. Was there another person working at Srae Ronoung commune who  
6 would draft reports and who may have been called Nov, N-O-V?

7 A. Actually there was no other person, perhaps another one wrote  
8 this letter. He was probably a clerk.

9 Q. Fine. Now, I'd like to speak about something else. In your  
10 written record of interview E3/5521 you said -- I believe your  
11 lawyer will help you find this document -- at answer 22, you said  
12 the following: "I was ordered to become head of the <rations  
13 procurement> sector. Back then I would go ask for food, <husked>  
14 rice, fish, meat and vegetables in the villages to <send> these  
15 to the front lines. Aside from all of that, I was in charge of  
16 <filing> and <record-keeping for> the commune of Nhaeng Nhang."  
17 End of quote.

18 Can you tell us what the <files and> records of Nhaeng Nhang  
19 <commune's office> consisted of? Which documents were kept in  
20 these <files and> records?

21 [13.43.00]

22 A. Thank you. <Records regarding economic matters with the  
23 commune were kept. Records of income and> expenditure <including  
24 rice,> fish, meat, vegetables <supplied by> the villages <were  
25 made in a report format before those food supplies were sent to

1 units at the frontline. Records were kept>.

2 Q. Fine, <that was in regards to filing>. Now regarding the  
3 records themselves, which records would you keep and can you  
4 provide us with some detail <on that>?

5 A. I told you already. <Records were kept regarding the economic  
6 income and expenses>.

7 Q. And what about reports and correspondence between Nhaeng Nhang  
8 commune and the district -- were <they> also kept in these  
9 records?

10 A. <In fact, after> the records <were made in a report format>, I  
11 would send <it immediately> to the upper level.

12 Q. What about the documents coming from the upper level? Would  
13 you keep these in the records?

14 A. For the records from the upper levels, they would be kept by  
15 <those respective commune chiefs. I was not the one who kept  
16 those documents.>

17 [13.45.16]

18 Q. Earlier on you said that lists had been drafted. There was a  
19 list for 17 April People and a list for Base People. Were these  
20 lists kept by <you> yourself, in the <records>, or were they kept  
21 by the commune chief?

22 A. The commune chief kept all the <relevant> statistics <for his  
23 commune>.

24 Q. And who in the commune was in charge of drafting these lists?  
25 Were these people working for the commune or <were they>

1 militiamen or other people?

2 A. There was <a> register. <He has passed away already.> He <>  
3 was the clerk of the commune and I was only in charge of the  
4 economics.

5 [13.46.34]

6 Q. Did you remain in charge of these <financial records and  
7 documents> until you left the Nhaeng Nhang commune in 1977?

8 A. Yes.

9 Q. Can you tell us exactly when, in 1977, you <returned> to Srae  
10 Ronoung commune?

11 A. When I went to be in charge of Srae Ronoung commune I did not  
12 recall it exactly. Perhaps it was in late 1977 or early 1978.

13 Q. Now getting back to Nhaeng Nhang commune. When you were  
14 working at the office over there you said, and this is written  
15 record of interview, E3/5521, at answer 22: "Bun Si, <> was <the>  
16 commune secretary <for Nhaeng Nhang>". Can you tell us if Bun Si  
17 remained commune chief for a long time and if someone else  
18 replaced him afterwards?

19 A. Bun Si remained the commune chief until 1977 <when> he was  
20 transferred to Kampong Cham province. After <I had already been  
21 transferred to Srae Ronoung when> Ta Son <came to replace Bun Si.

22 Q. Do you know a <certain> Mean, M-E-A-N, <in> Nhaeng Nhang  
23 commune? And if you did know him, what was his position?

24 A. I knew this person <by the name of Mean in Nhaeng Nhang, but I  
25 had> left that place already<. Actually> Mean was the deputy of



1 the commune.

2 [13.49.35]

3 Q. Fine. In the same written record of interview at answer 29,  
4 and you also said the same earlier on, you said: 'At first, <we  
5 didn't write any biographies whatsoever>'. And you're speaking  
6 about the 17 April People. And then you say: "Later on, it <is  
7 possible it> might have happened, <without a doubt>". So I would  
8 like <to know as> the answer's a bit ambiguous, so were the 17  
9 April People's -- <so, the Phnom Penh evacuees'> -- biographies  
10 written in Nhaeng Nhang commune <or not>?

11 A. Actually, <they were going around to collect people's  
12 biography,> there was the information -- it was <announced> that  
13 those who had been soldiers or had worked in the previous regime,  
14 <should be faithful and tell them the truth as> they would be  
15 allowed to return <> to <their previous> work.

16 Q. Indeed. In order to provide some clarification regarding this,  
17 those who responded <positively> to the announcement saying that  
18 they were former servicemen, <former teachers, civil servants>  
19 under the Lon Nol regime < ; > what happened to them when they  
20 arrived in Nhaeng Nhang commune in 1975?

21 A. <Having revealed their previous occupations,> some remained  
22 <in the village, while> some <> disappeared <subsequently. I no  
23 longer saw them>.

24 [13.51.55]

25 Q. Were they told, <when this announcement circulated,> that they

1 would be able to go back to their <jobs? Were they told> that  
2 they simply had to go to another place in order to offer their  
3 services to the new regime?

4 A. They <just said> that those who <had been teachers,> soldiers,  
5 or <other professions> in the previous regime <> would be  
6 <reinstated>.

7 Q. And what about those who did not answer the announcement --  
8 who hid that they were former servicemen or teachers or <civil  
9 servants>? What happened to them when it was discovered that they  
10 had lied and that they were indeed former <civil servants> of the  
11 Lon Nol regime?

12 A. As for those <whose> background <was found out though they  
13 were trying to conceal it, they would not be harmed as long as>  
14 they did not pose any danger to the revolution<; however,> for  
15 those who opposed the revolution, they would be sent for  
16 re-education.

17 Q. Do you know what would happen when it was discovered that  
18 among the 17 April People -- <there were> high ranking servicemen  
19 or high ranking officials -- were these people also urged to say  
20 that they had held these positions under the Lon Nol regime?

21 [13.54.10]

22 A. As I said already, <> those <> former <senior officials were  
23 not harmed> if they <did not have> any activities against the --  
24 if they did not oppose to the revolution<. And only> those who  
25 opposed the revolution <were> sent for re-education.

56

1 Q. Mr. President, I would like to give to the witness, <for a  
2 moment at least,> a written record of interview. This is the  
3 record of witness 2-TCW-822. <2-TCW-822.> This is <WRI>  
4 E319.1.32. I'd like to give him this record and then ask him  
5 questions about it.

6 MR. PRESIDENT:

7 You may proceed.

8 [13.56.00]

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. Thank you. <So, Mr.> Witness, can you please look at the  
11 second page of this document and please do not speak out the name  
12 of the person you see <> on the page.

13 And can you tell <> the Chamber, if you knew this person -- this  
14 person who worked at the Tram Kak district office, and in  
15 particular, <I believe,> at the Tram Kak <> office of commerce?

16 MR. NUT NOV:

17 A. I did not know this individual.

18 Q. That's not a problem. I'm going to have you react to what this  
19 person said in answering question 113. Please <turn the page and>  
20 go to question 113. Question: "What do you know about the  
21 slaughter of the Lon Nol soldiers and their families in Takeo  
22 province?" Answer: "The Khmer Rouge <had proclaimed their victory  
23 at that point>. 'We conquered Phnom Penh' they said, and then  
24 they expelled the people from Phnom Penh and deported them to  
25 Champa Leuk (phonetic) pagoda, which was to the west, three

1 kilometres from Angk Ta Saom in Tram Kak district. They asked the  
2 officers of the former regime to sign up on a list which was open  
3 for seven days and once they signed the list, they were <made to  
4 disappear> without <a> trace and hundreds, <indeed> thousands of  
5 <officers> were decimated in this way, <until there were none  
6 left.> End quote.>

7 <When> you say that in your commune, <former> servicemen,  
8 <teachers> and the former officials of the Lon Nol government  
9 were asked to <identify themselves>, were they asked to sign up  
10 on a list for a certain period of time?

11 [13.58.35]

12 A. For this matter, I was not aware of it.

13 Q. So you did not hear of the events that occurred at Champa  
14 <Leuk> (phonetic) pagoda near Angk Ta Saom <after the evacuation  
15 of Phnom Penh>?

16 A. At that time, I mostly remained in the office and <> if people  
17 were gathered and placed in <Chamkar Leuk> (phonetic) <> I was  
18 not aware of it, as <Chamkar Leuk> (phonetic) and the <Nhaeng  
19 Nhang> office <> was about ten kilometres away. I simply <waited  
20 for them at the commune office to make sure that they would have  
21 a place to stay upon arrival>.

22 Q. A while ago you stated that those who were opposed to the  
23 regime disappeared. What did you mean when you said 'those who  
24 were opposed to the regime'? Can you give us any <clarification  
25 or> specific examples <of opposition to the regime>?

1 A. Thank you for asking this question. Those who opposed the  
2 regime -- it means that <those who did not get along well with  
3 the revolution or those who were discontent with> the  
4 revolution<; and their discontent was expressed by their actions,  
5 words or behaviours>.

6 Q. Were there many people among the 17 April People <>?

7 A. There were only a few <of such cases>. Mostly, those people  
8 participated in the cooperative actively.

9 [14.00.46]

10 Q. And among the Base People, were there people who were happy to  
11 work in cooperatives and not to have private property <anymore,  
12 and> to eat collectively -- <or were there those who> openly  
13 opposed to the regime?

14 A. In fact, at that time, in general there was no one who  
15 opposed. Of course everybody found it difficult in the living  
16 conditions in taking the communal meal, even myself, but we did  
17 not dare to express it out. <Everyone just did their best to  
18 endure the situation.>

19 Q. I will revisit this issue <later on> with more concrete  
20 examples, <particularly> reports of persons who complained <or  
21 who> were opposed to the regime but before we do that, I would  
22 like to show you another extract of <a> record of <> interview of  
23 a person who was heard by the Co-Investigating Judges and it is  
24 document, E319/12.3.2. I would like this document to be shown to  
25 you temporarily and then I will <ask you the same> questions <as

1 with the preceding document, essentially> on <>whether you know  
2 these persons.

3 MR. PRESIDENT:

4 Yes, you can proceed.

5 [14.02.31]

6 BY MR. DE WILDE D'ESTMAEL:

7 Q. Please look at the name of the person who was interviewed by  
8 the Co-Investigating Judges. Don't pronounce that person's name  
9 but tell me whether you know that person who <allegedly> played a  
10 role in Tram Kak district and in one of its communes.

11 MR. NUT NOV:

12 A. No, I do not recognise <this individual>.

13 Q. Are you sure, Mr. Witness? That person was relatively well  
14 known in the district so I am somewhat surprised to hear you say  
15 that you did not know that person. <Can you confirm that you do  
16 not know this person?>

17 A. <My apologies, just now> I could not read the name in my  
18 previous statement. Now I believe I recognise this person and I  
19 apologise for my previous statement because my eyesight is rather  
20 poor.

21 Q. Was that person a commune chief during the <regime -- yes or  
22 no>?

23 A. Yes, the person was the commune chief.

24 [14.05.49]

25 Q. Very well. I will read out to you questions and answers 254

1 and 255 <of this document> and I will quote the <excerpt> in  
2 English because we don't yet have a French translation thereof.

3 Question 254: "When the commune chiefs began to collect  
4 biographies from the people and found someone who had been  
5 involved in the Lon Nol regime, what happened to those who were  
6 associated with the Lon Nol regime?"

7 Answer 254: "Immediately when the Khmer Rouge regime began, they  
8 commenced making biographies of people who used to be teachers,  
9 policemen or civil servants in the Lon Nol regime. Then they sent  
10 all of those biographies to the upper echelon. That was an order  
11 from the upper echelon."

12 Question 255: "To your knowledge, what happened to those who had  
13 been involved in the Lon Nol regime?"

14 Answer: "After the biographies were sent to the upper echelon,  
15 they provided the names of those people to me. Then, I ordered  
16 the arrests of those people and sent them to the upper echelon.  
17 Some were able to return, some could not. The arrested ones were  
18 mostly soldiers and policemen. Not many teachers were sent  
19 there." End of quote.

20 [14.06.53]

21 Very well. Here we see senior officials of Tram Kak district and  
22 commune chiefs <> said the biographies were established by the  
23 commune regarding <Lon Nol> teachers, police officers or <> civil  
24 servants and that they were sent to the upper echelon. And after  
25 that the upper echelon would ask the commune chief to arrest the

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1 persons <involved in> the Lon Nol regime and to send them <away>.  
2 Does this <procedure> refresh your memory as to what happened in  
3 your commune, Nhaeng Nhang, after the evacuation of <April> 1975  
4 and <thus> following the arrival of those persons in Tram Kak  
5 district?

6 A. At that time I <was in charge of> the economics at the office.  
7 As for <the issue regarding record-keeping as it> was dealt with  
8 <by> the commune and in particular it was the commune clerk. For  
9 me personally, I never took any biography of those former  
10 soldiers or civil servants of the previous regime.

11 [14.08.24]

12 Q. Did you, in one way or the other, hear <or become aware of the  
13 fact> that those biographies were <prepared>, that <once> they  
14 were analysed <by> the upper echelon <> that some of the persons  
15 whose biographies had been <recorded,> were arrested?

16 A. I do not understand your question, please rephrase it.

17 Q. I will try to simplify it. Did you hear or learn, while you  
18 were working at the Nhaeng Nhang commune office, that biographies  
19 of former <Lon Nol> police officers, teachers and <> civil  
20 servants were <drafted>, forwarded to the district level and  
21 <that later>, based on instructions from the district, those  
22 persons were arrested by the commune?

23 [14.09.45]

24 A. <Thank you.> I only heard about that but I did not witness it.  
25 I heard that biographies were <taken>.



1 Q. Very well. I'll put questions to you now regarding both Nhaeng  
 2 Nhang commune and Srae Ronoung <as well as> Angk Ta Saom and  
 3 <also,> all the other communes. The questions have to do with the  
 4 year 1977, two years after the evacuees from Phnom Penh had  
 5 arrived in Tram Kak district. I will start by reading an extract  
 6 of your record of interview, E3/5521, answers 57 to 60.

7 \*\*\*\*\*Answer 57, <I shall skip the very beginning, I quote>:  
 8 "During meetings, they talked about purges <that had to be done,>  
 9 of internal and external enemies who were sympathetic towards  
 10 supporters of Lon Nol, and the people who were in the party ranks  
 11 and who <displayed negative tendencies> were also <to be> purged.  
 12 Even <in my own position> as a commune committee chief, <I> was  
 13 afraid of not towing the Party line. The <internal> enemies <who  
 14 were within the ranks were the> cadres <themselves>; as for the  
 15 <external> enemies, <these> were ordinary citizens."

16 Question 58: "In what year <were the> meetings held in which  
 17 <the> purges <were dicussed>?"

18 Answer: "<During> 1977 or 1978. <Even while> I was in Srae  
 19 Ronoung commune, such meetings were also held."

20 [14.12.01]

21 Question number 60: "Was the decision to arrest people made at  
 22 the level of the district or the sector?"

23 <And you answered>: "<It was undoubtedly> made <at> the sector  
 24 level <and> the zone <level.> End of quote.>

25 And for purposes of completion, I'll read the excerpt from <the>

1 record <of> interview <that you gave the Co-Investigating  
2 Judges>. And it is <document E319.1.17>, questions 16 to 18.

3 Question 16: "Do you know whether there were meetings during  
4 which the purges of enemies were discussed?"

5 Answer: "Yes, such issues arose during meetings at the level of  
6 the district or the region."

7 [14.13.01]

8 Answer number 17: "I consecutively attended meetings during which  
9 it was said that false <> or reticent cadres who were not towing  
10 the party line had to be purged."

11 Question: "Who talked about purges and who ordered purges?"

12 Answer: "The order came from the zone and was handed down to the  
13 district and the <sector>." End of quote.

14 [14.13.32]

15 <Mr.> Witness, as a cadre of Nhaeng Nhang commune and <then>  
16 chief of Srae Ronoung commune, did you regularly attend meetings  
17 at the level of the district of Tram Kak? If yes, how often,  
18 <per> year or <per> month?

19 A. <Thank you.> When I was at Nhaeng Nhang, I did not have the  
20 authority to attend such a meeting. However, when I was at Srae  
21 Ronoung commune, I attended the meeting at the district level as  
22 well as at the sector level. Such a meeting was held at least  
23 once a month. On the issue of decision-making process for the  
24 purges, and allow me to say it frankly, the commune did not have  
25 the role to play, only the sector or the zone who had the

1 authority to authorize for the arrest and subsequently the  
2 smashing.

3 Q. <Could> you tell the Chamber at how many meetings <in>  
4 District <105> or <> Sector <13> did they talked about purges of  
5 enemies, <including> purges of persons who were <linked> to the  
6 Lon Nol regime. <Was that topic often under discussion?>

7 A. <Thank you.> In the meeting, when I was promoted to the  
8 commune in 1978, I attended those meetings. During those  
9 meetings, what I spoke of were on the agriculture production --  
10 that is, <trying> to obtain three tonnes per hectare of rice  
11 yield. And if a leader in those fields could not reach that  
12 quota, then that person <was to> be removed.

13 Q. Very well. But you also stated that during meetings, they  
14 talked of the purges <targeting> internal and external enemies  
15 who were sympathetic toward supporters of Lon Nol, <or> who had  
16 bad tendencies. Do you remember who exactly at the level of the  
17 district or the sectors talked about enemies <or of these>  
18 purges? And if you can, give us the names of the chiefs who  
19 talked about that.

20 [14.17.05]

21 A. The chief of the sector at the time was Ta Saom, but I do not  
22 know his full name. And later on, it was Ta Prak, but  
23 subsequently, Ta Prak was arrested. And for the sector, Ta Ran  
24 came to replace Ta Prak, and since Ta Ran rose to the sector  
25 chief, I never attended any meeting with him and I also never saw

1 him in person.

2 Q. Very well, but you did say that you attended the <> annual  
3 general assembly of Sector 13 twice. You said that in <> answer  
4 <one in your statement E319.1.17. At that point in time, during>  
5 those general assemblies, who chaired those meetings<? Was it Ta  
6 Saom,> Ta Prak, <or> Ta Ran?

7 [14.18.36]

8 A. That meeting was led by Ta Saom.

9 Q. Very well. I'll show you a number of documents all at once.  
10 <Because in the file there are> documents <> from practically all  
11 the communes in Tram Kak district. They have to do with the  
12 arrests of former <officers> or civil servants of the Lon Nol  
13 regime, and I will ask <you> questions regarding four of these  
14 documents, which I have selected. I would like to show those  
15 documents to you and have them placed on the screen as well, with  
16 the President's leave. The documents are <the following>:  
17 E3/2048, E3/2917, E3/2432 and E3/2450.

18 Mr. President, can I show the witness these documents and  
19 progressively have these documents placed on the screen as well,  
20 <while I summarize them>?

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 BY MR. DE WILD D'ESTMAEL:

24 Q. <Very well then.> Let us start with the document at the top  
25 E3/2048, and the Khmer page is 00079089; in English, it is

1 00276562 up to 63; and in French, it is page <two>, 00611659.

2 This is a report that was established by Moeun from Cheang Tong  
3 commune, and it was addressed on the 30th of April, 1977 to the  
4 leadership of Angkar in Tram Kak district. And this is what is  
5 stated therein, and I quote:

6 [14.21.06]

7 "Regarding the situation of enemies in my base, after receiving  
8 successive recommendations from Angkar regarding <> vigilance  
9 vis-a-vis the enemy and <> sweeping clean <> enemy soldiers who  
10 <were> officers, we monitored, examined and identified the  
11 following persons." End of quote.

12 Second document, the same reference, but another page. E3/2048,  
13 it is two pages further in Khmer, 00079091; in English, 00276564;  
14 and in French, page 4; and the ERN is 00611661. It is a report  
15 from Ta Phem commune sent during the same period as the first  
16 report, which is the 28th of April 1977, and it is stated therein  
17 that the commune <had>, and I quote:

18 [14.22.31]

19 "After receiving recommendations from the Party, examined and  
20 swept clean enemies who were officers." End of quote.

21 The following document is E3/2917, the page in Khmer is 00079090.

22 I believe there is an error <but --> in English, it is 00742890;  
23 in French, 00810574. In any case, you have only one page <in  
24 front of you, Mr.> Witness, and it is a report from Popel  
25 commune, and it states the following on the 4th of May 1977, a

1 few days after the two <other> reports, and it states, and I

2 quote:

3 "The number of families of soldiers who died <or> were eliminated  
4 by Angkar were equivalent to <106 families, or> 393 individuals."

5 <End of quote.>

6 This report also states that the commune tried to identify

7 whether <other families had members who> were soldiers, or not.

8 <The> fourth and <penultimate> report has <the reference> number

9 E3/2432. It is a single page. It is a list dated the 18th of

10 April. It was established by Nhaeng Nhang commune and it

11 identifies 11 <former> military officers from the previous regime

12 who lived at Nhaeng Nhang at the time, and that list includes two

13 commanders <--meaning majors> in English -- five lieutenants --

14 or first-lieutenants <in English -->, and four

15 second-lieutenants<, which are referred to as second-lieutenants

16 in English.>

17 And the last document is E3/2450. In Khmer it is, 00270746; in

18 English, 00322161; and in French, 00623747. This is a letter from

19 the chief of Nhaeng Nhang commune or of his assistant called

20 Mean, M-E-A-N. It's addressed to the chief of the security centre

21 at Krang Ta Chan and he identifies three former officers of the

22 Lon Nol army <who were> arrested in that commune, two lieutenants

23 and a second-lieutenant. They were sent to security centres

24 following a decision by Angkar. The document states as follows,

25 and I quote:

1 [14.26.02]

2 "Concerning the errors they made, there is nothing <serious> to  
3 be pointed out. These people were arrested because they were  
4 high-ranking officers." End of quote.

5 Now, I have a few questions for you in this regard. Regarding the  
6 five extracts from the four documents: do they refresh your  
7 memory as to the fact that the communes <drafted> reports on  
8 arrests <and the> purges of officers of the Lon Nol army?

9 [14.26.47]

10 MR. NUT NOV:

11 A. <It did not happen in my commune.> You <were referring> to  
12 <other communes> which <were> under <other people's> management.  
13 <I never got involved in those things. It could be the cases  
14 that> happened in <the communes of Cheang Tong and Popel, and by  
15 then, I had already left> Nhaeng Nhang commune<>.

16 Q. During <meetings, or rather,> when you were commune chief --  
17 that is, the Srae Ronoung commune in 1978 <-- during these  
18 meetings,> did you receive specific instructions on reports that  
19 had to be <drafted> regarding these former military officers of  
20 the Lon Nol army?

21 A. <Thank you for the question.> When I went to Srae Ronoung  
22 commune, the previous commune chief had already conducted the  
23 purge, so when I was there, I did not make any arrest of anyone  
24 <or harm anyone in the commune by> 1978.

25 Q. Fine, but here I mentioned a certain number of reports coming

1 from other communes. There was first the commune of Cheang Tong.  
2 This was a report dated 30 April, 1977. Commune of Ta Phem, a  
3 report from 28 of April, 1977. Popel <commune,> 4 May, 1977.  
4 Nhaeng Nhang <commune>, 18 April, no year is mentioned here. And  
5 these are reports that were drafted by different communes but at  
6 the same period, and during that period you said that you were  
7 still at Nhaeng Nhang commune, and now you just said to us that  
8 this happened once you had left Nhaeng Nhang commune. So when you  
9 were still at Nhaeng Nhang commune and before arriving at Srae  
10 Ronoung, did you hear about the fact that <these were being swept  
11 clean of> the enemies <who themselves were former> officers of  
12 the Lon Nol army <>?

13 [14.29.31]

14 A. Although that document was made in Nhaeng Nhang. At that time,  
15 I was in charge of the economics <within the commune, while> the  
16 commune chief was another person, and they did that work without  
17 informing us, working in the commune office.

18 Q. <Was> the <term> "sweeping clean", <> often used during  
19 meetings? And what did it mean during the Khmer Rouge period? <Do  
20 you know that?>

21 A. The expression "to sweep clean" means to purge within the  
22 rank, that is those who were disloyal to the Party. <Although>  
23 the person was a commune chief or a member of the commune  
24 committee, they would be subject to being purged as well. I,  
25 myself, was very concerned, so I tried to work as hard as the



1 ordinary villagers. I participated in gathering natural  
2 fertilizers, in achieving three tonnes per hectare of rice  
3 produce, etc.

4 [14.31.11]

5 Q. <To> be perfectly clear about this, when you say to "sweep  
6 clean" <or "clean">, did this mean purge the ranks? Did this mean  
7 that these people were eliminated?

8 A. People in ranks were arrested one after another.

9 Q. And once these people were arrested, did you know what would  
10 happen to them? Were these people seen again?

11 A. In general, we could not see them return to the place. In Srae  
12 Ronoung, Ta Khun was removed, and I never saw him again. <I do  
13 not know as to where he was transferred.>

14 Q. I would like to quote without providing you the document, but  
15 simply quote from witness 2-TCW-860. <2-TCW-860. In> his written  
16 record of interview E3/5511, at answer 9, he said the following.  
17 I will simply give you the context: he was a deputy chief <of a  
18 hospital in the> Tram Kak <district>. And at answer 9, he  
19 described a district assembly during which the cadres were  
20 informed of the categories of people who had to be purged. And he  
21 said the following, and I quote:

22 [14.33.17]

23 "The people who were to be executed were part of the army,  
24 <starting at those who had> the rank of warrant officer up,  
25 whereas those <people> who worked in the administration,

1 <starting with> the rank of first assistant <and> above, had to  
2 be executed." <End of quote.>

3 So you're saying that the purge at Srae Ronoung <commune> had  
4 already been carried out when you arrived. Did you, yourself,  
5 attend a district assembly where it was decided which categories  
6 of people among the former servicemen and officials of the Lon  
7 Nol regime had to be purged?

8 A. I did not recall it well. At that time, I was in my 30s and  
9 now it has been over 30 years from the event and I did not recall  
10 it.

11 [14.34.42]

12 Q. Earlier on you spoke about an assembly at Sector 13 that was  
13 chaired by Ta Saom. In which year, did Ta Saom chair such an  
14 assembly, an assembly you attended?

15 A. In 1977 and 1978<. He> chaired the meetings in 1977 and 1978.

16 Q. Was it Ta Saom each time who would chair these meetings in  
17 1977 as well as in 1978? Earlier on, you said that Ta Saom had  
18 several <successors, among these> Ta Prak and Ta Ran <>. Can you  
19 <then> confirm that Ta Saom was present at both of these  
20 assemblies or only at one of them?

21 A. Ta Ran and Ta Prak never attended the assemblies. Ta Prak was  
22 transferred to Takeo for three months. After that, he was  
23 arrested. I <> was not sure how long Ta Ran was there in Tram  
24 Kak. And I knew that Ta Ran went to join <an> assembly in Phnom  
25 Penh, and he was hit by the train<, and his legs were broken.

1 Later on, he died. His successors did not organize any assembly.

2 Assemblies were organized during the time of Ta Saom.>

3 Q. Did anyone replace Ta Ran after <he suffered> that accident?

4 A. Ta Tith replaced Ta Ran. I did not know his full name. I knew

5 only Ta Tith. And after Ta Tith <had been> transferred

6 <elsewhere>, Ta Kit replaced Ta Tith.

7 Q. Well, I will stop here. So, I understand that it's quite

8 difficult to remember <> dates 30 <or 40> years later. <> I'd

9 like to get back to <the people> who <opposed or> criticized

10 Angkar in Nhaeng Nhang and Srae Ronoung communes. And <as a

11 reminder,> you said at answer 30 of your written record of

12 interview, E3/5521, you said that: "The people who disagreed or

13 who <expressed opposition> in any way whatsoever were sent to

14 education sessions and <we never saw any of> these people <> come

15 back."

16 [14.38.15]

17 So, before the break, I would like to provide to the witness a

18 document as well as to display it on the monitor. This is

19 document E3/489 <-- sorry, E3/4098>. With your leave, Mr.

20 President.

21 MR. PRESIDENT:

22 You may proceed.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. <So, the ERNs: in Khmer, 00271030 to 31;> in English,

25 <00322114> to 15; in French, 00623837 to 38. This is a report

1 dated 4 August, 1976, that was sent to the district Party by An,  
2 who was the head of Krang Ta Chan, regarding the <confessions> of  
3 prisoners. And this report describes the case of one prisoner  
4 from Nhaeng Nhang commune called Toan Tean, T-O-A-N, and Tean,  
5 T-E-A-N <>.

6 [14.39.56]

7 And in this report, you see that <he dished out criticism>, that  
8 he <supposedly> did not show respect for the regime during a  
9 commune meeting and that apparently he had been <urged> by  
10 colleagues to <flee> to Thailand. On the upper left-hand side of  
11 this report there is a note which says the following, and I  
12 quote: "To be <executed after interrogation." End of quote.> Do  
13 you know this person, <> Toan Tean, who, before the Democratic  
14 Kampuchea regime, was working as a <sales assistant in a  
15 pharmacy> in the village of Ruessei Srok in Nhaeng Nhang commune?

16 MR. NUT NOV:

17 A. I did not know the person named Toan Tean, but I heard people  
18 call an individual by the name <of> Tean <in Ruessei Srok during  
19 the Sihanouk regime>. Actually, I did not know the person named  
20 Toan Tean.

21 Q. And just like <this> Toan Tean, who apparently <dished out  
22 criticism> or who demonstrated what was interpreted as lack of  
23 respect for the regime, does that mean that <> even the slightest  
24 amount of criticism was enough to justify an arrest <in a  
25 commune, followed by> an execution?

1 MR. PRESIDENT:

2 Please hold on, Mr. Witness. You may proceed, Mr. Koppe.

3 [14.42.08]

4 MR. KOPPE:

5 Yes, I object to this question. First of all, the witness doesn't  
6 know the document. Secondly, there's a lot of speculation in this  
7 answer that these people were executed for nothing. I think the  
8 questions posed by the Prosecution should not be leading and  
9 should be based on the knowledge of this particular witness. So,  
10 I object to this particular line of question.

11 MR. DE WILDE D'ESTMAEL:

12 Mr. President, I would like to respond. <Given that> I just  
13 quoted what the witness had said regarding people who showed <any  
14 opposition or> people who disagreed, and he said that these  
15 people were sent to education sessions and that they would never  
16 come back. So I think <that asking --> just like the person  
17 described in this document <-- whether> any <criticism of> the  
18 system or the regime <was enough for a> person <to> be <arrested  
19 or> executed in their commune, <constitutes a legitimate  
20 question>.

21 [14.43.32]

22 MR. PRESIDENT:

23 The objection of the Defence Counsel for Mr. Nuon Chea is  
24 overruled. The Chamber needs to hear the testimony -- the  
25 response from this witness to the last question put by the <>

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1 International <Deputy> Co-Prosecutor. Mr. Witness, you are  
2 instructed to give your response to the last question put by  
3 International <Deputy> Co-Prosecutor.

4 MR. NUT NUOV:

5 I forgot the question. I do not recall your question, Mr.  
6 Co-Prosecutor.

7 MR. PRESIDENT:

8 Mr. <International Deputy> Co-Prosecutor, could you repeat the  
9 question please<?>

10 BY MR. DE WILDE D'ESTMAEL:

11 Yes, <Mr. President>.

12 Q. <Mr.> Witness, <I wanted to ask whether> criticizing the  
13 regime or <what was interpreted as a> lack of respect <>, was  
14 this enough to be arrested and then executed in Nhaeng Nhang  
15 commune or in any other commune in Tram Kak district <that you  
16 were aware of>?

17 [14.45.01]

18 MR. NUT NUOV:

19 A. I was not aware of this matter. At that time, I was not  
20 staying in Nhaeng Nhang, and the decisions were made in Nhaeng  
21 Nhang commune -- the decisions were made by the heads, and I did  
22 not know about this matter.

23 MR. PRESIDENT:

24 Thank you, Mr. Witness. Thank you also, the <> International  
25 <Deputy> Co-Prosecutor.

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1 It is now a convenient time for break. The hearing will resume at  
2 five past 3.00.

3 Court officer, you are instructed to find a proper place for Mr.  
4 Witness and also for the duty counsel and to have them returned  
5 before five past 3.00.

6 The Court is adjourned.

7 (Court recesses from 1446H to 1508H)

8 MR. PRESIDENT:

9 Please be seated.

10 The Court is now back in session. And again, we would like to  
11 hand over the floor to the <Co-Prosecutors> to put questions to  
12 this witness. You may proceed.

13 BY MR.DE WILDE D'ESTMAEL:

14 Q. Thank you Mr. President. Mr. Witness, I would like us to  
15 <quickly> revisit what you said regarding the meeting or the  
16 meetings you attended in Sector 13. A meeting that was chaired by  
17 Ta Saom and <in which> you stated that they talked of purges of  
18 internal and external enemies, particularly those were  
19 sympathetic towards supporters of Lon Nol <or> those who had bad  
20 tendencies. <Could you tell us or could> you try to recall the  
21 exact statements made by Ta Saom regarding the enemy, what did he  
22 say specifically? <If you are able to recall.>

23 MR. NUT NOV:

24 A. On the issue of purging the enemy as stated by the sector  
25 chairman, it mainly focused on those individuals who opposed the

1 regime of Democratic Kampuchea, those people would be considered  
2 the enemy.

3 Q. Very well. And you said in answer 30 -- that is, <record of  
4 interview> E3/5521, that opponents were sent to follow  
5 re-education sessions and <they were never seen again. Who had  
6 the authority to decide> who <would> be sent for re-education<?  
7 Was> it the commune, the district or the sector?

8 [15.10.23]

9 A. At that time it was only the sector or the zone who had the  
10 authority to decide as to who would be called for re-education.  
11 The commune did not have that authority.

12 Q. So the commune merely contented itself with <drafting> reports  
13 on incidents during which certain persons expressed their  
14 opposition to the Regime, is that correct?

15 A. Yes, that is correct. The commune would make a report and the  
16 report would be forwarded to the upper echelon, who would make a  
17 decision on the matter.

18 [15.11.18]

19 Q. When you talk of re-education sessions, was it a question of  
20 sending persons that the sector or the district had decided to  
21 send for such re-education -- was it that they had to be> sent to  
22 re-education centres?

23 A. In practice, the upper <echelon> would send those people were  
24 caught or who were gathered.

25 Q. During the Democratic Kampuchea regime did you ever hear the



1 name Ta An, the director of the district re-education centre?

2 A. I heard of the name of Ta An, but I did not know him but for  
3 the commune committee we did not go to where Ta An worked.

4 Q. This is what you stated in your record of interview, E3/5521,  
5 <answer -- at> question 41 and this was your answer to that  
6 question. <And I quote:> "Did you know who had issued <the>  
7 letters <that indicated whom to> arrest and <whom to send for  
8 re-education>?" And your answer was as follows: "<It was the  
9 security officers who> wrote letters to the commune's <secret  
10 agents>." And <further on,> in answer 42, "The <secret agents>  
11 reported to the commune and only <secret agents> had the right to  
12 arrest <> people." So you are talking of security officers who  
13 wrote to <the secret agents> . What do you mean by "security  
14 officers", are you talking of security officials of the commune,  
15 the district or the region? Or <of> any other persons who were in  
16 charge of security in that region?

17 A. In that statement, for the militia, it refers to the, rather  
18 the security refers to the security in the sector and they would  
19 liaise with the militia at the commune level.

20 [15.14.47]

21 Q. So when you <mention> "secret agents" <here>, you indeed mean  
22 the militia men or <what are otherwise known as> the "chlops" at  
23 the level of the commune?

24 A. Yes, indeed that is correct.

25 Q. <Very well.> Let us talk about co-operatives in various units.

1 You stated that co-operatives were established on the basis of  
2 classification of the members of the population into three  
3 groups. You <said that there were> the full rights inhabitants,  
4 you had the candidate inhabitants <meaning> the Base People,  
5 whose relatives were executed by Angkar or persons whose children  
6 or grandchildren had been involved in the former regime, <etc>.  
7 Then you talked of <> non-native people <or deportees, and you  
8 specified that these where those> who <had been> deported from  
9 Phnom Penh. When co-operative <units> were created based on the  
10 classification of members of the population, where were those  
11 three units based in your commune? Were <the three units> based  
12 <in> different locations <>?

13 A. As for the organisation of the co-operatives, members of the  
14 population were classified as you stated into the three  
15 classifications. The <full rights people>, the candidate <people>  
16 and the depositees and houses were built <by> various units  
17 starting from A, B, C, D, etc.

18 [15.16.57]

19 Q. Is it correct to say that, the full rights inhabitants <were>  
20 in the first unit, the candidate inhabitants in the second unit  
21 and the <depositee> candidates in the third unit? <Is it also  
22 correct to say that> they were located at different places?

23 A. As for the classification of the members of the population  
24 into three categories and <> units <were organized within the>  
25 three categories. <Only people who belonged to the same category

1 were placed in those units.> It depends on the size of the  
2 population <within a village>, sometime there would be five to  
3 six units within a <village, while some villages had only a few  
4 units>.

5 Q. Very well. Were there any units consisting exclusively of 17th  
6 April People?

7 A. Yes. Yes, for the 17th April People, however the unit chief  
8 and the <group leaders of> those 17th April People group --  
9 units, <had to be> the Base People.

10 Q. When that classification of that population was done, were you  
11 still at Nhaeng Nhang or <were you already> at Srae Ronoung  
12 commune?

13 A. I had already been transferred to Srae Ronoung commune.  
14 [15.19.09]

15 Q. Were the workers of the first category -- that is, full rights  
16 inhabitants, you said earlier that they <were> considered <> as  
17 loyal to the Party -- did the Party consider those workers as the  
18 purest among all the workers?

19 A. <For those> workers who were classified <into> the first  
20 classification, <it> means that they were <loyal> to the  
21 revolution.

22 [15.20.01]

23 Q. <Were workers> of the second category, that is the Base People  
24 <but with implied ties>, were they less worthy of trust than  
25 those of the first category?

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1 A. For the second category, those people were also trusted as  
2 they were the Base People; however <> they were placed in the  
3 second category because they had family members or relatives who  
4 <had> lived in the area controlled by the enemy. So they were  
5 actually in the process of becoming the full right people.

6 Q. Regarding the 17th April People -- that is, <those> who came  
7 from the <city, who continued to live in cities that -- occupied  
8 by Lon Nol,> were they considered <by the> cadres of the regime  
9 as not being worthy of trust <at all>?

10 A. They trusted them or trusted most of them <>. They were  
11 <mostly> trusted <because> they were <already living with the  
12 Communist Party of Kampuchea>.

13 [15.22.07]

14 Q. Did you hear the expression "prisoners of war" used to <refer  
15 to> the 17th April People?

16 A. Yes, the expression was <frequently> used. People talked about  
17 "prisoners of war", however later on they were referred to as  
18 "city evacuees" or "town evacuees".

19 Q. Very well. I'll read an excerpt of your record of interview,  
20 E3/5521. You said in answer to question 47, "<People did not have  
21 enough to eat, there were those who> had to content themselves  
22 with <gruel." End of quote. Who were those who had to content  
23 themselves with gruel? Were these> people of the first, second or  
24 third categories?

25 A. <We sometimes ate gruel, and when we did, everyone ate gruel.

1 There was no such a case in which gruel was provided to only a  
2 certain category.> However, I could only talk about my commune --  
3 that is, Srae Ronoung. And every ten days, there would be a <meal  
4 of> better gruel -- that is, gruel mixed with meat and we would  
5 <also slaughter a pig or a cow> for people to eat every ten days.  
6 But like I said again, this is what happened at Srae Ronoung  
7 commune. <I was not aware of the condition in other communes.>

8 [15.24.17]

9 Q. <Mr.> Witness, to which category did you belong? Category one,  
10 category two or category three?

11 A. I do not get your question.

12 Q. Were you a Base Person who belonged to the first category of  
13 people according to the Khmer Rouge classification, or were you  
14 in the second category because someone from your family had ties  
15 with the Lon Nol regime or were you among the evacuees of Phnom  
16 Penh?

17 A. I was a Base Person, however I was not yet classified into the  
18 first category although I worked at the commune level because one  
19 of my younger brothers <and my eldest son had been> taken away  
20 <>. So I was placed in the second category as a candidate person  
21 but due to the good work performance then I was assigned to be in  
22 charge of the commune in 1977 and 1978.

23 Q. Were you a member of the Kampuchea Communist Party in your  
24 capacity as commune chief at Srae Ronoung?

25 A. I was a candidate member not a full right member.

1 [15.26.19]

2 Q. You said in answer 51 that most of the sick were <> 17th April  
3 People because they hadn't gained enough experience to <adapt to  
4 life> in the rural areas. Question 53, <from the same record of  
5 interview>: "At that time were there many people dying?", and  
6 your answer was that, "Death indeed existed <and was  
7 widespread>." If most of the sick were <> 17th April <People>,  
8 were there progressively fewer and fewer 17th April People  
9 <workers> in <Nheang Nhang commune over the years, as well as in>  
10 Srae Ronoung commune?

11 A. In Srae Ronoung commune when I was there, I resolved a number  
12 of the issues related to the living condition, however there were  
13 still people who were ill and some of them had to be sent to <the  
14 sector> hospital in Angk Roneab.

15 Q. I would <now> like to show you document, E3/2436, to the  
16 witness. And with your leave, Mr. President, may I request that  
17 it be placed on the screen?

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 [15.29.11]

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. It is a report from Nheang Nhang commune signed by Mean, it  
23 was sent to district Angkar in <April 28th,> 1977. This report  
24 concerns a person called Mou Phon, of the New People. He was a <>  
25 soldier in the former regime. In paragraph three of that report

1 Mean criticises Mou Phon as follows, and I quote: "When he was  
2 transferred to construct canals, Mou Phon refused to go there on  
3 the pretext that he was too <shattered and> exhausted to carry  
4 <soil on his shoulders>. When he was assigned to <manufacture>  
5 fertilisers he said he had stomach ache, <and was> incapable of  
6 doing the work. He hardly <ever> works, he is very cunning, <I  
7 must specify he is not skinny, but rather very> fat." End of  
8 quote.

9 Were people <often> too exhausted to work in <the> co-operatives,  
10 <Mr.> Witness?

11 MR. NUT NOV:

12 A. In Srae Ronoung commune I never experienced people who were  
13 over exhausted. The document here was about the situation in  
14 Nhaeng Nhang commune after I had left <for Srae Ronoung>.

15 Q. So <could> you specify <once more> when <it was that> you left  
16 Nhaeng Nhang commune? Because here, this is a document dated 28  
17 April 1977 and earlier on I showed you a document dated June,  
18 1976, and each time you said you had already left Nhaeng Nhang  
19 commune. So when exactly did you leave <this> commune?

20 A. I left Nhaeng Nhang commune in late 1977 or early 1978.

21 Q. So you agree that the report that I just read out to you dated  
22 28 April 1977, was drafted when you were still there <> at Nhaeng  
23 Nhang. Another question, would people who were sick often <be>  
24 accused of <pretending to be so> because they did not want to  
25 work? Did you ever hear that?

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1 A. For this matter in my commune, I did not hear any people  
2 pretending to be sick and they were actually sick and they  
3 received treatment. <Thank you.>

4 [15.31.50]

5 Q. At the bottom of the report that I just read, E3/2436, there's  
6 a handwritten note signed by a so-named Kit. This note authorises  
7 the arrest of <a> certain Mou Phon. Do you know who this Kit was  
8 and what were his duties back then?

9 A. Ta Kit was the <Tram Kak> district committee at that time. He  
10 was at the district committee level at that time.

11 Q. Thank you. I have two other documents to show to you. Mr.  
12 President, may I have the leave to display <them> on the screen.  
13 It is documents E3/2450 and E3/2453.

14 MR. PRESIDENT:

15 You may proceed.

16 [15.33.11]

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. With regard to the first document E3/2450 with the following  
19 ERNs; Khmer, 00270748; English, 00322163; French, 00623749. And  
20 this is a report that was sent by the chief of Nhaeng Nhang  
21 commune or by his deputy by the name of Mean, and it was sent to  
22 the head of Krang Ta Cha prison, Ta An. And this report regards a  
23 woman of Nhaeng Nhang commune, who is called in this document,  
24 O-A. She was the wife of the Lieutenant Colonel in the Lon Nol  
25 regime who had been arrested upon Angkar's recommendations



1 because she had complained of the fact that, and I quote: "<To be  
2 part of a> revolution it's very difficult, we have to work days  
3 and night and are given gruel to eat, <I don't know how to> bear  
4 this sort of living." End of quote.

5 The second document, E3/2453; Khmer ERN, 00270780 to 81; English,  
6 00388583; French, 00611773; and this is a report dated 6 October  
7 1977, which is addressed to the district by Nhaeng Nhang commune  
8 and signed by Sim, S-I-M. Sim is denouncing the wives of  
9 servicemen who had criticised the revolution because, <I quote,>  
10 they had "nothing to eat. We would only eat gruel, whereas under  
11 the old regime it was <really good>." And these wives of the  
12 servicemen said that the food under the former regime was  
13 adequate and that people would have fun.

14 So what would happen to the people in Nhaeng Nhang who would  
15 complain about the lack of food and about the hard living  
16 conditions or <> working conditions?

17 MR. NUT NOV:

18 A. In the two letters, I was not aware of them. I could not give  
19 my response. I already left Nhaeng Nhang and when Ta Mean arrived  
20 at that place, I was not in Nhaeng Nhang. So frankly, I did not  
21 know and I could not make any decision so I was not aware of the  
22 two letters.

23 [15.36.43]

24 Q. Fine. But were the communes ordered by the district <or the  
25 sector> to produce reports on people who would complain about the

1 lack of food or about the working conditions?

2 A. In my commune, those who complained about working conditions,  
3 there would be sessions of criticism and self-criticism so that  
4 those people could understand about the collective interests  
5 concerning our work. I never sent any reports to the district.

6 [15.37.36]

7 Q. Who was this "Sim" who signed this report from Nhaeng Nhang  
8 commune in October 1977, at the time when you said you were still  
9 there?

10 A. Sim was the head of Nhaeng Nhang.

11 MR. PRESIDENT:

12 Mr. Witness, you are instructed to repeat your response because  
13 while you were answering the microphone was not yet activated.

14 MR. NUT NOV:

15 A. As for Sim, he was the chief of Nhaeng Nhang commune. I was  
16 not with him, I had already left the place when he was there.

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. <Very well>. I'm not speaking about Srae Ronoung commune <and>  
19 about your role as a commune leader. <But>, as far as you knew,  
20 was it compulsory for the communes to draft reports regarding  
21 people who tried to escape <Cambodia>?

22 A. If there were such incidents, the report would be compiled and  
23 submitted to the district.

24 Q. <Very well>. I have three copies of such reports and which I  
25 would like to show to you and I would like to display on the

1 screen with your leave, Mr. President. This is document, D157.90,  
2 <E3/2453> and E3/2452.

3 MR. PRESIDENT:

4 You may proceed.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. The first document <> comes from Nhaeng Nhang commune, <it is  
7 a single page, I don't know the ERN.> This is a report dated  
8 <late> November 1977 regarding the interrogation of a young  
9 person who was arrested in Nhaeng Nhang commune and who had tried  
10 to escape to Vietnam. The report explains that the district  
11 soldiers <> fired three shots before managing to arrest him and  
12 then he was sent to the district police re-education centre. The  
13 second document, E3/2453, on <the> Khmer <page> 00270779;  
14 English, 00388582; French, 00611772; and this is a report that  
15 was drafted by Khun on 13th October 1977, who was the Srae  
16 Ronoung commune chief and he is sending this report to the  
17 district Party regarding a farmer who fled the commune and was  
18 captured in District 107 and sent back to Sraeng Ronoung. And  
19 finally, document, E3/2452, Khmer ERN, 00270998; English,  
20 00843036; French, 00872836; and this is a document which I showed  
21 you at the beginning -- that is to say, a partial report dated  
22 8th October 1977, which was drafted in Srae Ronoung by a certain,  
23 Nov, N-O-V, and he reports <> a person from the New People <from  
24 District 109> who went to Leay Bour <and> who deserted his  
25 commune <in Srae Ronoung>. So here we have three examples of

1 commune reports concerning you and you said <earlier> that  
2 reports had to be sent to the district, so what were the specific  
3 instructions from the district regarding people who were trying  
4 to escape from Cambodia, in particular because of the living and  
5 working conditions in Cambodia?

6 [15.42.59]

7 MR. PRESIDENT:

8 Please hold on Mr. Witness. You may proceed, Mr. Kong Sam Onn.

9 MR. KONG SAM ONN:

10 Thank you, Mr. President. Concerning the use of the document by  
11 the <> International <Deputy> Co-Prosecutor, Mr. <International  
12 Deputy> Co-Prosecutor said that this document was made or drafted  
13 by "Nov". From my understanding Mr. Witness already said that he  
14 could not recognise this document and he could not read and could  
15 not know who drafted or made this report. So I believe that the  
16 International <Deputy> Co-Prosecutor misrepresented the testimony  
17 of the Mr. Witness.

18 MR. DE WILDE D'ESTMAEL:

19 I did not misrepresent anything <Mr. President>. I didn't say  
20 that he had signed this document. He gave his explanation  
21 <concerning the author of the third document. The> question I  
22 want to put is much more general in nature. We're speaking about  
23 three reports that were drafted in the commune where the witness  
24 lived and worked and <that's it. So I'm putting> my question <to  
25 find out whether there were> reports <that> were sent by the

1 communes <and which> were the instructions given by the district  
2 regarding people who were trying to flee Cambodia, <particularly  
3 as a result> of the living and working conditions they were  
4 subjected to.

5 [15.44.43]

6 MR. PRESIDENT:

7 The objection of the Defence Counsel is overruled and there is  
8 clear basis, the Chamber needs to hear this testimony or the  
9 response of this witness. Mr. Witness, you are instructed to  
10 provide your response to the last question put by the <>  
11 International <Deputy> Co-Prosecutor.

12 A. Concerning the last question, I already told the Court that I  
13 was not aware <of> this report and the handwriting is not mine.  
14 Actually this is my name because <> during that time I was in  
15 Srae Rononung and it is my name and the two reports in my hands<;  
16 however,> I was not aware of the two documents, so please be  
17 informed, Mr. President.

18 [15.45.50]

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. Fine. In terms of the meetings, you would attend <a district  
21 meeting> every month as a commune chief. Were you given specific  
22 instructions <or orders> regarding the <need> to draft reports on  
23 all people who <were> arrested as they were trying to flee  
24 Cambodia?

25 MR. NUT NOV:

1 A. The meetings might happen once or twice a month concerning the  
2 harvest in dry or wet season. If it was not necessary, the  
3 meeting was not held and if it was necessary there would  
4 meetings. During the meetings, there were instructions concerning  
5 the produce of three tonnes per hectare and we were told to  
6 strive in <> working in the fields <to increase the production.  
7 Those were the instructions from both the Sector and the Zone.>  
8 Thank you.

9 Q. Thank you, <Mr.> Witness. That was not my question. What I  
10 wanted to know is that, during these monthly <or bi-weekly>  
11 meetings at the district level, were security issues brought up?  
12 I'm not speaking about agriculture. <In regard to security,> were  
13 the commune chiefs told when they had to produce reports <for>  
14 the district regarding security <or discipline> issues and in  
15 particular, regarding people who were trying to flee Cambodia?

16 A. At my place the meetings were not about those who escaped or  
17 who tried to escape. I was not aware of such meetings or such  
18 discussion. Thank you.

19 [15.48.15]

20 Q. You said that the communes were in charge of producing reports  
21 regarding people who were trying to flee Cambodia, why would the  
22 communes draft such reports if they had not received prior  
23 instructions to do so?

24 A. <There would be monthly reports on the issues concerning  
25 politics,> security, economics and social work. If there were no

1 people trying to escape then we would not put in the report but  
2 if there were such incidents, we would put in reports and  
3 actually I wasn't the one who drafted the report. <In fact, the  
4 reports were prepared by the clerk who was on standby> at the  
5 office<. Thank you>.

6 [15.49.28]

7 Q. At answer 68 of your written record of interview <you  
8 stated>--

9 MR. PRESIDENT:

10 Thank you, <Mr. International Deputy Co-Prosecutor. Thank you,>  
11 Mr. Nut Nov. The hearing of your testimony as a witness does not  
12 come to an end yet you are invited to provide your testimony  
13 again on Monday 16 March 2015, starting from 9 a.m.  
14 And We, the Chamber will try to finish hearing your testimony by  
15 Monday, so we would like to end your testimony and the hearing by  
16 now because we have other matters to discuss.  
17 Court officer you are instructed to bring Mr. <Nut> Nov back to  
18 his residence and have him return on Monday 16 March 2015, <at> 9  
19 a.m. and Mr. Moeurn Sovann, you are also invited to be here  
20 <again on Monday>. You may be excused now.

21 (Witness and duty counsel exit courtroom)

22 [15.51.12]

23 Now, the Chamber would like to give the floor to Mr. Koppe, to  
24 present your reasons in relation to your request concerning the  
25 site visit of Krang Ta Chan security office as mentioned by Judge

1 Fenz this morning.

2 As we may be aware, the event happened almost 40 years and in the  
3 report we have seen the <pictures> of the site and also some  
4 other reports <including maps>. To have the basis for the  
5 decision by the Chamber, the Chamber would like to hear further  
6 reasons by the Counsel Victor Koppe, if you wish to do so. You  
7 may proceed <> Counsel.

8 [15.53.09]

9 MR. KOPPE:

10 Thank you Mr. President. I'm not -- I've been thinking about your  
11 request, obviously, this afternoon and I'm not sure if there is  
12 much more add than what I already said, you are right, in a  
13 spontaneous request earlier last month. But I might reiterate,  
14 that for me and for my team, it was extremely helpful to not only  
15 have been able to study the maps that were drawn by the  
16 investigators and the photos that were made but actually to be  
17 able to see the site. It's almost -- the comparison maybe a  
18 little strange -- but it is almost like you wouldn't buy a house  
19 based on a map of the house and some photos, you would like to  
20 actually see it. And once you see something, especially this  
21 crime site, it is extremely helpful in understanding all kinds of  
22 issues.

23 [15.54.23]

24 One issue for instance, and I think I mentioned that earlier is,  
25 that we can read in the closing order that it is alleged that



1 probably around 15000 or allegedly around 15000 people were  
2 executed at Krang Ta Chan. It is contention and it is also our --  
3 we will write that in our closing briefs at one point of time --  
4 but it is, I think, physically completely impossible to have  
5 15000 corpses lying in pits on that grave site. Now, you can make  
6 that calculation based on statistics, forensic calculation  
7 methods etc., but if you are actually on that site, this is one  
8 of the things that will immediately come to your attention.

9 [15.54.16]

10 There is -- there are all kinds of other issues that have been  
11 discussed in the last months, positions of the gate, position of  
12 the foot of the mountain, so there's all kind of issues which  
13 technically you could decide or you could make conclusions on  
14 paper, however in reality when you actually see the crime site,  
15 when you see Krang Ta Chan, many issues become much clearer. And  
16 then, I think, it will also become clear -- and that was the  
17 reason we made that spontaneous request -- that the witnesses who  
18 are saying, who are giving testimony to executions, torture,  
19 etc., on the crime site and the ones, especially guards who are  
20 saying "Well, we didn't see anything, we weren't able to notice  
21 anything", that to me seems not very credible, that these two  
22 scenarios could co-exist together.

23 [15.56.22]

24 So, I presume that I'm reiterating my earlier comments on this  
25 issue however there are also other issues that are relevant.

1 There are things could be investigated by the Trial Chamber,  
2 things that we are unable to actually investigate. For instance,  
3 there is a stupa on that site containing the skulls of people  
4 allegedly killed there, we tried to make a calculation of how  
5 many skulls we could see. That could potentially be an indication  
6 of people that were executed there. I don't know. Was Krang Ta  
7 Chan indeed a grave burial site as is reported in the post 1979  
8 reports? That is something that we cannot verify, we have tried  
9 to ask that to -- to witnesses but maybe the Trial Chamber while  
10 investigating and while being accompanied by the local  
11 authorities could come up with answers, I don't know.

12 [15.56.33]

13 But I suppose the most important underlying reason for this  
14 request is that in our experience and I think the Prosecution  
15 must agree with this, that it is a huge difference in actually  
16 seeing the site, walking on the site, seeing the buildings,  
17 although they are not authentic anymore, and try to be able to  
18 evaluate the things in a proper way. So, technically you're right  
19 there is a drawing but it's a difference between day and night  
20 and that's why I think it is very worthwhile to the ascertainment  
21 of the truth that the Trial Chamber visits the site by itself,  
22 accompanied, obviously, by the Parties.

23 [15.57.27]

24 MR. PRESIDENT:

25 Thank you very much. You may proceed, <> International <Deputy>

1 Co-Prosecutor.

2 MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President. I would like to add something to what I  
4 said last time. I was speaking or I was saying that in principle  
5 it would be of course interesting for members of the Court to  
6 travel to that place, but there are different problems here.

7 <Firstly,> there is a site identification report that's placed on  
8 the case file and that's very comprehensive with GPS data and all  
9 kinds of photos that are attached. There is a map that was drawn  
10 based on the different locations that were designated by the  
11 <witness -- or rather,> civil party who <guided> the  
12 investigators. And today I see that the Defence is referring to  
13 that map <as> interesting, <when in the prior hearings> the  
14 Defence <preferred to rely> on <a> map that was drawn by a guard  
15 <in which north points south and viceversa. Regardless,> thanks  
16 to these photographs I think we have a clear idea, because the  
17 civil party shows a certain number of places that no longer exist  
18 today. Of course there are still traces of pits but regarding the  
19 buildings there are no buildings left so there is no point in  
20 going there. The buildings that were built afterwards are maybe  
21 those the defence is referring to, but <in any case,> those are  
22 not the buildings that existed at that time. So, <in regard to  
23 the buildings,> I do not see <how it would be useful for the  
24 Chamber to> go on site and waste a day <on that>.

25 [15.59.23]

1 Now, regarding the pits, I heard the Nuon Chea defence say that  
2 they could not imagine that 15000 bodies could have been buried  
3 <on site>. I think everyone remembers <a> specific testimony  
4 stating that <after a certain point> there was no longer any room  
5 in the site, therefore the bodies were buried outside <the  
6 premises -- beyond> the first fence in any case. Another thing  
7 regarding the visibility we may have of the execution sites, of  
8 the interrogation site, well this <> building no longer exists  
9 and <then,> the trees have changed, they're no longer <the same  
10 trees that were there at the time> -- so I don't see how a trip  
11 <on site> could <be crucial and> really add much to what we  
12 already have in the site identification report that was drafted  
13 by the Co-Investigating Judges. <So, if,> in principle, it <is  
14 still considered> useful to travel on site to understand the  
15 distances, <assess what we can see on the crime scene;> here I  
16 don't think that there is anything to be gained <by going on site  
17 given> the report that already exists <in the file. Thank you.>

18 [16.00.48]

19 MR. PRESIDENT:

20 Thank you Mr. <International> Deputy <Co-Prosecutor>. You may  
21 proceed, the International Lead Co-Lawyer for civil <parties>.  
22 Please turn on your microphone.

23 MS. GUIRAUD:

24 Thank you, Mr. President. We've not had much opportunity to speak  
25 up during the <> application <made> by the <our colleague before

1 this Chamber>. We object to this application for a site visit  
2 <as> it is rather belated. We are in a trial following  
3 investigations that lasted several years and <during which> the  
4 Nuon Chea defence <had plenty of opportunities to> request such a  
5 site visit<. They could have done so then, but they did not.> We  
6 are now at the trial stage, <and> to justify a trip by the  
7 Chamber to that site, you would have to <as far as I am concerned  
8 justify the introduction of> a new element in relation to the  
9 investigation <and> you have to show <> that <today it would be  
10 useful even if it> was not <> at the time of investigation. <And  
11 then, our colleague from the> Prosecution has said something and  
12 I agree with him, <because> we've been <ourselves> to the Krang  
13 Ta Chan site, <is that> none of the buildings are <the original  
14 ones>. There's a project that has rebuilt <the> buildings <run by  
15 an NGO called> 'Youth for Peace', so to go to a site where the  
16 original buildings no longer exist <appears to me> completely  
17 irrelevant at this stage of the trial. You would have to counter  
18 balance the usefulness of such a trip <for the manifestation of  
19 the truth> and the fact that such a trip would be very  
20 inconvenient to everyone, to the Chamber, <the greffier, the  
21 prosecutors, the Defence, us -- after all, we're not talking  
22 about just taking a day, it's something much more complex than  
23 that. So to travel to site where the original buildings no longer  
24 exist, I believe it would> actually <be> contrary to the  
25 manifestation of the truth <as far as I'm concerned>.

1 [16.03.12]

2 <Regarding the fact that we have contradicting scenarios in this  
3 case, well, for me, in> a criminal trial, <I see it as> normal  
4 that two versions <contradict each other> and it is not abnormal  
5 to see victims presenting their own <opposing> versions of the  
6 facts <concerning guards, executioners or other alleged  
7 perpetrators,> and it is the work of the Chamber to sort out all  
8 this evidence <to determine what is true and what is false from  
9 the testimonies> presented before this Chamber and to <form its  
10 own opinion on them>. So, <again, the fact that two versions are  
11 presented during these hearings is not reason enough to justify  
12 a> visit <to> the site <because once again>, the Nuon Chea  
13 defence <were perfectly well positioned to> request such a visit  
14 during the investigation <stage>.

15 <If we start with a site visit to Krang Ta Chan, then> we would  
16 also <have to> go to Kampong <> Chhnang airport <for> that is  
17 another place that could be visited. <So, if you create a  
18 precedent, then well, you will have to justify it in such a way  
19 that the Parties will not be inclined to> systematically request  
20 that the Chamber go and visit <> sites which are discussed  
21 <throughout the trial>.

22 [16.04.20]

23 MR. PRESIDENT:

24 What about the defence team for Mr. Khieu Samphan, beside what  
25 you submitted in the previous time, do you have anything further

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1 to add?

2 MR. VERCKEN:

3 We're always favourable <towards> site visits, if only to clarify  
4 the matters regarding <> mass graves which <essentially> poses  
5 <considerable> difficulties <>, Mr. President.

6 MR. PRESIDENT:

7 I thank you very much for all the additional reasons and  
8 <observations> in relation to the request of Defence Counsel for  
9 Mr. Nuon Chea, the request <> to visit Krang Ta Chan security  
10 centre and the Chamber will decide on this matter in due course.  
11 The Chamber would like to inform the public <and the Parties>  
12 that on Monday, the Chamber will resume hearing Mr. <Nut> Nov's  
13 testimony and following Monday, the Chamber will proceed to hear  
14 witnesses as indicated in the schedule already. The Chamber will  
15 hear, 2-TCW-860 and <2-TCW-822>. The Chamber will inform all  
16 Parties <by> email this afternoon.

17 [16.06.10]

18 In another matter, the Chamber would like to inform <> Counsel  
19 for Mr. Nuon Chea, your request is to ask the Chamber to adjourn  
20 for six weeks so that you have time to read <> the disclosure of  
21 new documents by the Co-Prosecutors from Cases 003 and 004 into  
22 Case 002. The Chamber will make a decision on the request next  
23 week, please be informed. The matter is a bit complicated and the  
24 Chamber needs time to discuss and decide <as it also concerns the  
25 Office of the Co-Investigating Judges> and the Chamber has sought

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1 some information from Parties and as of now, we observe that more  
2 documents have been disclosed by the <Parties> and the Chamber  
3 will <> look at and consider all the new disclosure of those  
4 documents tomorrow <and over the weekend,> and we will make a  
5 decision in due course next week.

6 [16.07.38]

7 Now it is time for the adjournment. The hearing will resume on  
8 Monday 16 March 2015, starting from 9 a.m. and as I have already  
9 informed <the Parties that> on Monday we will resume our hearing  
10 on the testimony of Mr. <Nut> Nov.

11 Security personnel, you are instructed to bring Mr. Khieu Samphan  
12 and Mr. Nuon Chea back to the detention facility <of the ECCC>  
13 and have them returned on Monday, 16 March 2015, before 9 a.m.

14 The Court is now adjourned.

15 (Court adjourns at 1608H)

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