



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

16 March 2015

Trial Day 258

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

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I N D E X

MR. NUT NOV (2-TCW-948)

Questioning by Mr. De Wilde D'Estmael resumes.....page 3

Questioning by Mr. Lor Chunthy.....page 23

Questioning by Judge Lavergne.....page 28

Questioning by Mr. Koppe.....page 32

Questioning by Mr. Kong Sam Onn.....page 59

Questioning by Mr. Verckenpage 79

MR. RIEL SON (2-TCW-860)

Questioning by the Presidentpage 94

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LOR CHUNTHY	Khmer
MR. NUT NOV (2-TCW-948)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. RIEL SON (2-TCW-860)	Khmer
MR. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0907H)

3 MR. PRESIDENT:

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

5 Today the Chamber will continue to hear the testimony of the

6 witness Nut Nov.

7 And <the greffier,> Ms. Se Kolvuthy, could you please report the
8 attendance of the Parties and individuals to today's proceedings?

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all Parties to this case
11 are present.

12 As for Mr. Nuon Chea, he is present in the holding cell
13 downstairs as he requests to waive his rights to be present in
14 the courtroom. His waiver has been delivered to the greffier.

15 The witness who is to continue his testimony today -- that is,
16 Mr. Nut Nov; and his duty counsel, Mr. Duch Phary; are present in
17 the courtroom.

18 We also have a reserve witness today -- that is, 2-TCW-860, who
19 confirms that to his best ability he has no relationship by blood
20 or by law to any of the two Accused: Nuon Chea and Khieu Samphan,
21 nor to any of the civil parties admitted in this case. The
22 witness will take an oath before the <Iron Club Statue at 10
23 a.m.> this morning. He has his duty counsel -- that is, Mr. Duch
24 Phary. Thank you.

25 [09.09.32]

1 MR. PRESIDENT:

2 Thank you. Before the Chamber hands the floor to the Parties, we
3 decide on the request by Nuon Chea.

4 The Chamber has received the waiver from Nuon Chea, dated 16
5 March 2015, who confirms that due to his health -- that is,
6 <headache,> backache <> and that he cannot sit for long, and in
7 order to effectively participate in the future hearings, he
8 requests to waive his right to participate in and be present at
9 the 16th March 2015 hearing. He has been informed by his counsel
10 about the consequence of this waiver, that in no way it can be
11 construed as a waiver of his rights to be tried fairly or to
12 challenge evidence presented or admitted to this Court at any
13 time during his trial.

14 [09.11.14]

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

22 Based on the above information and pursuant to Rule 81.5 of the
23 ECCC Internal Rules, the Chamber grants Nuon Chea's request to
24 follow the proceedings remotely from a holding cell downstairs
25 via audio-visual means for today's proceedings as he waives his

1 direct presence in the courtroom.

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

5 The Chamber now hands the floor to the Co-Prosecutors and then
6 the Lead Co-Lawyers for the civil parties. The combined time for
7 the Prosecution and the Lead Co-Lawyers is for one session --
8 that is, from now until the short break this morning.

9 You may now proceed.

10 [09.12.05]

11 QUESTIONING BY MR.DE WILDE D'ESTMAEL RESUMES:

12 Thank you. Good morning, Mr. President, Your Honours, and the
13 Parties. Good morning, Mr. Witness. I will continue putting
14 questions to you.

15 Q. I would like to start by drawing your attention to a
16 contradiction since on Thursday last week you said between 15.26
17 and 15.27 in answer to a question whether you are a member of the
18 Communist Party of Kampuchea, <when you were> Chief of Srae
19 Ronoung commune. Your answer was, "I was a candidate; I was not a
20 full-rights member."

21 In the record of your interview, E319.1.17, in answer to question
22 26:

23 "Did you have any ties with the Kampuchea Communist Party?"

24 You answered: "As Chief of the commune, I was a member of the
25 Party." End of quote. [Free translation]

1 [09.13.58]

2 Is it correct to say, Mr. Witness, that you were indeed a member
3 of the Kampuchea Communist Party when you were Commune Chief?

4 MR. NUT NOV:

5 A. First of all, good morning, Mr. President, Your Honours, and
6 everyone in and around the courtroom. The response that I made is
7 correct. At that time, I was the <Srae Ronoung> Commune
8 Committee, but I was a candidate member of the CPK.

9 Q. You stated in the record of your interview, E3/5521, in answer
10 to question 68. The question was: "Who appointed you Chief of the
11 commune of Srae Ronoung?" <You said that>, "Ta Chim, Ta San and
12 Ta Kit <appointed me." Could> you specify <who among> Ta Chim, Ta
13 Kit or Ta San was head of district at the time when you were
14 appointed Chief of the commune of Srae Ronoung?

15 A. Amongst the three people, Ta Kit was the <district> Chairman,
16 Ta San was the member of the Tram Kak district committee and I
17 was appointed by these individuals to be Srae Ronoung Commune
18 Chief to replace <Ta> Khun.

19 [09.16.10]

20 Q. Did Ta San become chief of district at <any> point <in> time
21 when you were Commune Chief?

22 A. At that time Ta San was a member of the committee, <who had
23 not been a district chief yet>.

24 Q. You made mention of Ta Khun. You mentioned that name last
25 Thursday - <you said--> that was at 14.28, you said - [Free

5

1 translation]: "When I went to Srae Ronoung, the former commune
2 chief had already carried out the purge. So while I was there, I
3 did not arrest anybody, <no one at all>. That was in 1978."

4 Can you tell us why Ta Khun was withdrawn by Angkar <considering>
5 he had <successfully carried out the> purge in Srae Ronoung
6 commune?

7 A. To my knowledge and from what I heard at the time, Ta San
8 called me to meet him and said that Ta Khun committed cruelty in
9 Srae Ronoung commune and that he disobeyed the instructions from
10 the upper echelon; for that reason, he was transferred to Mongkol
11 Borei to work at the dry season rice farming and that I was to be
12 appointed as the <Srae Ronoung> Commune Chief in 1978, though I
13 cannot recall the exact month <,probably in March>.

14 [09.18.30]

15 Q. <So> you said <under> oath that there was no arrest of the
16 enemy at Srae Ronoung commune when you were chief; you also said
17 earlier that the decision to arrest people and to smash them were
18 taken by the upper echelon; that was at the hearing of the 12th
19 March 2015 at 14.15. You mentioned the sector <or rather> the
20 zone that was authorised to decide who was to be arrested and
21 <then subsequently> smashed. Is it correct to say that, the issue
22 of <arresting and smashing people was not dealt with exclusively
23 by> the commune or <by> the chief of commune but rather from the
24 upper echelon?

25 A. Yes, that is correct. The commune level did not have the

6

1 authority to make that decision. Only the sector or the zone had
2 the authority to <arrest or to> execute anyone. Thank you.

3 [09.19.02]

4 Q. Did people come from the district, the sector or the zone in
5 1978 to Srae Ronoung commune to carry out <arrests> or to smash
6 people?

7 A. The district, the sector or the zone level themselves did not
8 come directly to the commune but they sent in their security
9 personnel to carry out the task.

10 Q. So what you mean is that you <yourself> did not carry out any
11 <arrests> but <that> those arrests were carried out by the upper
12 echelon in the Srae Ronoung commune?

13 A. In Srae Ronoung commune, through my observation while I was
14 there, there were no arrests. However, I was instructed to lead
15 people in rice farming in order to achieve three tonnes of rice
16 per hectare and we were very busy engaging with the people at the
17 worksite and there were no arrests, let me reinstate that and
18 that is the truth.

19 [09.21.30]

20 Q. <Very well> you stated that you heard of Ta An during the
21 Democratic Kampuchea regime; that was on Thursday last week just
22 before <15.13>. Did Ta An ever <send any messages to> Srae
23 Ronoung commune in 1978?

24 A. I heard Ta An's name as he was <> at the Krang Ta Chan
25 Security Office. I only heard of his name but <I never met him

1 and> I never received any message from him and in my capacity as
2 the Commune Committee, I was not allowed to go near the Krang Ta
3 Chan Security Office. I only knew and heard that it was a
4 security office.

5 Q. At this point, I would like to quote document E319/12.3.2,
6 this document was shown to you on Thursday and you identified the
7 cadre who had been interrogated but <whose name could not be
8 disclosed>. You identified that person as the commune chief in
9 Tram Kak District. I will quote this document in English, and
10 <we're looking at> questions 202 <and> 210. I'll start by giving
11 the context. This commune chief said the following regarding a
12 letter sent by Ta An from the Krang Ta Chan Security Centre. I am
13 quoting in English.

14 [09.23.25]

15 <Question 202:> "When you receive such a letter, what
16 arrangements did you make?"

17 Answer: "I sent the people to An and An carried out further
18 actions. After receiving the letters, I had the villagers search
19 for those whose names were written in these letters. Then if the
20 villagers found them, I would send them to the District Office. I
21 did not know how the District treated them."

22 Answer 210: "It could be said that they sent those people to the
23 prison straightaway and reported to the District or they might
24 have sent them to the District because I'm unclear about that."

25 End of quote.

1 <So here we> have a commune chief who confirms that he received a
2 letter from Ta An and <who then> proceeded to arrest <people> and
3 <send them> to the District or to <Ta An> prison; does this
4 refresh your memory regarding any messages that the commune may
5 have received from the security centre in the district of Krang
6 Ta Chan.

7 A. I was not aware that other communes received such message or
8 instruction but, as for me, I did not.

9 [09.25.18]

10 Q. Very well. Regarding the production of rice, at the hearing of
11 last Thursday at 14.16.32, you said that if a leader in this area
12 did not <reach> the quota of three tonnes per hectare that person
13 was <moved elsewhere or> removed from his or her office. You also
14 said in answer <number> 80 in your record of interview <E3/5521>,
15 that you succeeded in concealing half of the rice harvest when it
16 was good and that you hid it in a granary with a view to
17 distributing it to inhabitants in the case of scarcity of food.
18 <So, if I am correct in my calculations, how was it that you>
19 managed to produce six tonnes of rice per hectare in your
20 commune? That is, three tonnes for the Party, <otherwise you
21 would have been removed from office,> and three tonnes hidden in
22 the granary for the people.

23 [09.26.40]

24 A. No, we could not produce six tonnes of rice per hectare, we
25 could only reach between 2.5 to three and it was my personal

1 undertaking that we had to keep some rice yield for <> the people
2 living in the commune because <I understood that some people in
3 the commune had food shortage. If we reported everything, we
4 could not resolve the living condition of people> in the commune,
5 then I would be responsible. <This was my technique with a person
6 in charge of warehouse.> For that reason, I kept some of those
7 rice yields for our communal use. Let me give an example <about
8 the report, every year> we received <>1000 tonnes of rice yield
9 <in the commune,> then I would report to the upper echelon that
10 we produced only 700 kilogrammes <> of rice yield and then I
11 would keep <one part> of rice yield for <people who had food
12 shortage. This was the technique to hide the rice yield in order
13 to help people in the commune.>.

14 [09.27.12]

15 Q. So you said that there were no arrests while you were there
16 and you gave rice to people and the people did not denounce you
17 <when> you concealed half of the rice harvest. <For, as per>
18 answer 84 in your record <E3/5521> -- you said that the
19 inhabitants adored you and loved you very much. You also said in
20 answer 76 that you gave the inhabitants of your commune a tin of
21 husk rice per person and per meal as well as meat every 10 days
22 and in answer number 81, you stated that you made bread, using
23 cassava flour. You also said that you did that once every 10 days
24 and you gave it to the inhabitants of your commune; is that
25 correct?

10

1 A. In my commune, we made a bread baking kiln <in 1978. I did not
2 remember, probably in mid-1978.> And the breads that we made was
3 from the cassava flour scrambled with egg <and a little sugar>
4 and that was to resolve the food supply for people, in particular
5 we provided at least a bread for each worker for the morning
6 session. <They could have a bread with palm sugar because my
7 commune was rich in palm sugar> and that's what happened.

8 Q. Very well, we'll crosscheck all that <against> the archives of
9 <Tram Kak and> Krang Ta Chan centre, <first and foremost> we'll
10 find out whether there were inhabitants of Srae Ronoung who were
11 arrested and sent to Krang Ta Chan in 1978.

12 [09.30.11]

13 MR. DE WILDE D'ESTMAEL:

14 I would like to first of all show you a document and have it
15 placed on the screen with the authorisation of the President and
16 it's document is E3/4092 < -- E3/4092>. It is a notebook from
17 Krang Ta Chan summing up confessions of prisoners arrested
18 between March and July or August 1978.

19 MR. PRESIDENT:

20 Yes, you may proceed.

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. <So first of all the> Khmer page is <00271136 to page 37, I
23 stuck a little blue post-it on it>; English, 00834796 to 97; and
24 in French, 00721277.

25 Here we are talking of two prisoners from the Srae Ronoung

11

1 commune: The first one is Chim Hok, C-H-I-M H-O-K; age, 44; he
2 was from Trach village and Touch Lun, T-O-U-C-H L-U-N; age, 46;
3 from Trapeang Thnal village; he had the rank of chief corporal at
4 the Krang Spor (phonetic) Barracks in Phnom Penh <before
5 returning to Srae Ronoung commune at the time of liberation. So
6 these> two people had returned from Phnom Penh to Srae Ronoung
7 after the 17th of April 1975. <The report of Krang Ta Chan
8 interrogations> mentions that the two despicable <persons> tried,
9 <along> with others, to flee to Vietnam. They were arrested in
10 Region 35 and sent to District 105. They stated that they could
11 not live in Democratic Kampuchea because, previously, they
12 received a salary; that they used to go to the market and they
13 ate whenever they wanted.

14 [09.32.33]

15 Witness, do you remember <these people>, Chim Hok and Touch Lun
16 who tried to flee from Srae Ronoung <commune> when you were chief
17 and <who> found themselves in Krang Ta Chan after they were
18 arrested?

19 A. Your Honours, I would like to consult with my duty counsel
20 before responding to the prosecutor's questions.

21 (Short Pause)

22 [09.33.25]

23 MR. PRESIDENT:

24 Witness, please respond to the question.

25 MR. NUT NOV:

12

1 A. I would like to respond to this question. The names indicated
2 by the Co-Prosecutor, before I went to Srae Ronoung, there were
3 people fleeing; I heard of that but Chim <Hun (phonetic)> and
4 Touch Lun, here, I didn't know these two people but I heard that
5 people were arrested and sent away before my arrival. The
6 handwriting here is not mine. It may be written by the militiamen
7 or any other person, I don't know. That's all I can tell you.

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. It's a notebook from the Krang Ta Chan Security Centre, so I'm
10 not surprised that you don't know the handwriting. <Another
11 document I would like to show you -- no excuse me -- another>
12 page in this same document, in Khmer, it's <00271141>; in
13 English, <00834801;> and French, <00721283>. This is still a
14 Krang Ta Chan report which concerns the prisoner Vath Than, 42
15 years of age, who was a secretary in a commercial bank in Phnom
16 Penh and after the 17th of April 1978, he went to live in the
17 Kiri Vong district and then he was sent by Angkar to the commune
18 of Srae Ronoung where he was arrested and to quote the report
19 from Krang Ta Chan: "This guy only has <disdain and> contempt for
20 us. He says that the bread you get today is absolutely nothing
21 compared to the bread we used to get. He would rather have
22 <cassava>; he would boil them and eat them for sheer enjoyment.
23 That would be better." End of quote. [Free translation]
24 [09.36.12]
25 <I would like to present another> document on the same person,

1 <this> is document E3/4122 and with the leave of Your Honours, I
2 would like to put this on the screen as well. The Khmer page is
3 00271085; French, 00729669; and English, 00779252. So, <this
4 other> report, also concerns the same prisoner, Vath Tan. It's a
5 notebook from Krang Ta Chan, dated May or June 1976 <according to
6 what we can see in the remainder of the content of this> document
7 and <this report> provides further details about the prisoner
8 interrogated in the Krang Ta Chan Security Centre -- and I quote.
9 "This man is hostile to the Revolution. He has devalued our
10 course saying that a casserole of rice is rationed for four
11 people. Nobody can eat enough. As for cassava, it's made into
12 bread, <comparable to a grilled cake, but in English reference is
13 made to a "burnt cake" so perhaps what is meant is indeed> a
14 burnt cake. If the cassava was kept to boil it that would be
15 better." End of quote.

16 [09.38.43]

17 <So> it seems <that> apparently all of the inhabitants of Srae
18 Ronoung were not absolutely enamoured with either your bread or
19 the rations of rice they were given. So could you please tell the
20 Chamber why a person from your commune was arrested and sent to
21 Krang Ta Chan and interrogated for having criticised the ration
22 of rice <that they> received and for having said that your bread
23 tasted of burnt cake?

24 MR. NUT NOV:

25 A. The information on this document, as far as I know, the people

14

1 in my commune did not make any complaint; <they just ate
2 regardless of their like or dislike>. But I cannot make any
3 conclusion<>, but at <another> worksite called Tuol <Kruos Dam>,
4 I don't know what <> was happening there. <They> reported from
5 that worksite. Because <there were people> from Srae Ronoung
6 <going> to work at Tuol <Kruos Dam> worksite but there was no
7 complaint at my commune. That's all.

8 [09.39.36]

9 Q. So, was this site in the commune of Srae Ronoung or not?

10 A. Tuol <Kruos> worksite was not in Srae Ronoung <commune>, it
11 was under the supervision of the District Office. But people were
12 sent from <all> communes <in the district> to work at Tuol
13 <Kruos> worksite.

14 Q. Earlier on, <you made> reference to taste. But here we are
15 <not> talking <about taste sir, rather we are talking about>
16 criticising the food, <then> being arrested and interrogated and
17 who knows, maybe even executed as well. Was it your decision to
18 arrest this kind of person <for> this sort of criticism or was it
19 rather a district or sector decision?

20 A. When I was in charge there, I didn't know about that. It might
21 be that the decision was made at the District level, because the
22 work site was <in Tuol Kruos which was> far away from my commune.

23 Q. <Very well.> I have another Krang Ta Chan document to show
24 you, it's document E3/4083 and I want to use this for two
25 purposes. I would also like to put the relevant pages on the

15

1 screen, Mr. President, if I may, and I will give you the ERN
2 straightaway.

3 [09.42.17]

4 MR. PRESIDENT:

5 Your request is granted, Co-Prosecutor.

6 MR. DE WILDE D'ESTMAEL:

7 This is another Krang Ta Chan notebook containing <lists> of
8 prisoners who were arrested in 1978. It includes at least six
9 prisoners who were sent from Srae Ronoung commune when you were
10 the Commune Chief. Firstly, in Khmer, page 00068025; English,
11 00323944, <and> that's page 2; in French, 00778852; and here you
12 can find <the name, or not the name but rather the position of> a
13 former secretary from the Khmer Trading Bank who was imprisoned
14 on the 19th of March 1978 and eliminated on the 29th of March
15 1978. Probably this was Vath Tan, who we have been referring to
16 at an earlier stage because he was secretary in a trading bank.

17 [09.43.28]

18 On the same page in Khmer, there is another entry relating to
19 Srae Ronoung <who entered> Krang Ta Chan on 29th of <April,
20 probably in 1978>. In English it is page 00323946; and French,
21 00778853. After that, we have somebody called <Siev -- Sieu, or
22 Siev (phonetic)>, age 43, from the village of Trapeang Ronoung,
23 in the commune of Srae Ronoung, in Khmer, the page is 00068027;
24 in English it's on page 10, ERN 003232952; and French, 00778860.
25 After <then> we have a teacher and <two> former <corporals> in

16

1 Lon Nol's army. The teacher is in Khmer, 00068029; English, page
2 15, 00323957; and French, 00778863; this teacher was arrested on
3 the 5th of March 1978.

4 Now on the same page just underneath the teacher, there is a
5 former corporal from Srae Ronoung who came in on the 5th of March
6 and who died of disease on the 19th of March -- or May 1978,
7 depending on the translation.

8 And finally, a former corporal who was imprisoned on the 4th of
9 March 1978, and eliminated on the 29th of March 1978, for him the
10 page number - in Khmer, it's <still the same page as before I
11 think:> 00068029,; in French, 00778864; and in English, 00323958.

12 [09.45.08]

13 MR. PRESIDENT:

14 <You may proceed, Counsel Koppe.>

15 MR. KOPPE:

16 Thank you, Mr. President. Good morning, Your Honours. I object to
17 the word "eliminated". I think it would be better if the
18 Prosecution would at least say "allegedly eliminated." He's
19 basing himself probably on a cross on that page, we don't know
20 for sure that these are in fact Krang Ta Chan documents, we do
21 not know for sure that that cross might be indication of
22 elimination, so I think at this stage he should say "allegedly
23 eliminated". Not to confuse this witness.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you. I won't come back to the colleague's remarks saying

17

1 that these are -- maybe not documents from Krang Ta Chan. <In any
2 case these documents were admitted by your Chamber and certain
3 witnesses have acknowledged the -- authenticity thereof>. I'm
4 only using the terms that were translated, <that's> from Khmer
5 into English where in French it <clearly states "éliminer"
6 (eliminate(d))>, so I certainly didn't invent the term. <In any
7 case, in the French version, when I said that they were
8 "eliminated">, it is because that is how it is translated.

9 [09.47.09]

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. So, Mr. Witness, if, <essentially,> nobody was arrested in
12 your commune, <how do you explain the fact that> six people were
13 sent to the District Security Centre in 1978?

14 A. All these names might be sent to Krang Ta Chan before my
15 arrival <that was why I did not know. As I told you previously,>
16 after my arrival to Srae Ronoung commune, no one was arrested and
17 sent to the Krang Ta Chan centre.

18 Q. Yes, you <mentioned that you arrived there> in 1978 -- or
19 rather, the end of '77 <if I remember correctly>, all of these
20 people <were arrested or, in any case, placed in> Krang Ta Chan
21 <as of> March 1978, so that, in fact, is the time when you were
22 in office there.

23 Perhaps the last question now: In the various communes where you
24 worked during the Democratic Kampuchea regime, were the lists of
25 Vietnamese of people from Kampuchea Krom drawn up and sent in to

1 the District <during that time>?

2 A. In other different communes and as it happened in my commune,
3 we prepared the list but we would keep at the commune office for
4 just in case. It was just the census of the villagers in our
5 commune.

6 [09.48.43]

7 MR. PRESIDENT:

8 Mr. Koppe, you may proceed.

9 MR. KOPPE:

10 Thank you, Mr. President. I would like to revisit my objection as
11 to document E3/4083. In my English version I don't see that word
12 - the English word of "éliminer" so I would like very much if the
13 Prosecution can point to me where in E3/4083 it says
14 "eliminated". I do see "died of illness" of certain prisoners but
15 maybe there's a difference in translation between the French and
16 the English. I would like to have that cleared up.

17 [09.49.28]

18 MR. DE WILDE D'ESTMAEL:

19 There are certainly <small> discrepancies between the languages
20 <but> the term "eliminated" was used in the French version
21 concerning the former secretary of the Khmer Trading Bank. In
22 English, it's on page 2 of <this> document. Moreover, on page
23 <00323958, in English, it's used in reference to a former
24 corporal. These are the terms used in French>. I do understand
25 there are discrepancies in the translation between the different

1 languages.

2 Mr. President, <I have run> out of time.

3 MR. PRESIDENT:

4 <You may proceed, Judge Lavergne.>

5 JUDGE LAVERGNE:

6 Thank you. We may have a difficulty with the reference of the
7 document. <This morning I heard the prosecutor> refer to
8 <document E3/4083, and I hear Counsel Koppe> is referring to
9 E3/4093, so it may be that we are talking about different
10 documents. Is it <document E3/4083 or 4093?>

11 [09.51.29]

12 MR. KOPPE:

13 E3/4083, and I think that's what I said specifically and the
14 prosecutor reacted in a sense that he says there might be
15 differences but the word "eliminated" versus - the non-use of
16 "eliminated" was not a minor discrepancy, but a substantial
17 difference. So again, E3/4083, in English, the word "eliminated"
18 does not appear, so I would be very happy to hear where it does
19 appear in French.

20 MR. DE WILDE D'ESTMAEL:

21 <It does indeed appear in French on page 00778852 which concerns>
22 the secretary of the <Khmer Trading Bank, it seems to me that>
23 the English translation is not a full rendering of the <original>
24 Khmer version. <Mr President, for the sake> of this question, <I
25 do not deem this to be a debate worth delving into at this

20

1 present time. I merely wanted> to point out to the witness that
2 these people had been arrested and <that they were at> Krang Ta
3 Chan. Whether or not they were eliminated, <that is something> we
4 could come back to at a later stage <when we discuss the
5 documents>

6 [09.52.51]

7 BY MR. DE WILDE D'ESTMAEL:

8 Q. <So now, I would like to -- I'm aware that I'm encroaching>
9 on my civil party colleague's time but I would like quickly to
10 refer to another part of <the same document> E3/4083 and there
11 are two pages in Khmer, <00068033 and then we skip a page to
12 00068035; there are therefore two pages> and this is meant to be
13 a continuous list but there is in fact another page <inserted>
14 between the two: in English, <00323966 up to 68>, and then from
15 70 to 72; and in French, 00778870 to 71, and then 00778873 to 74.
16 <So this> is a Srae Ronoung commune list dated 27th of April
17 1977, which lists 37 families who were Khmer Krom or former
18 soldiers or officials from the ranks of Lon Nol's personnel and
19 <this list includes these people's military ranks. You> said that
20 in your <commune -- I do not know which -- that> a list was drawn
21 up that had been kept in reserve <just in case.>
22 <Why> were the communes <of the> districts of Tram <Kak, in any
23 case that of Srae Ronoung> drawing up lists of Khmer Krom <or of>
24 former Lon Nol <military forces> in April 1977?

25 [09.55.00]

1 MR. NUT NOV:

2 A. In 1977, I knew that people were registered and census was
3 made and people who were Vietnamese and Khmer Krom people were
4 listed and the lists were kept at different commune's office.
5 These documents might probably be made during Ta Khun reign of
6 the commune. So, when I arrived, <it was already done and> I did
7 not do this kind of list, so I think this list was prepared by Ta
8 Khun at the time.

9 Q. And what happened to all of <those> people who were on the
10 lists in the different communes, whether they were Vietnamese or
11 Khmer Krom, <do you know> what <happened to them afterwards?

12 A. After preparing the list, those lists were kept at different
13 commune office for record. That's all I can tell you.

14 MR. PRESIDENT:

15 Mr. Koppe, do you have anything to address the Court?

16 [09.56.45]

17 MR. KOPPE:

18 I apologise for being a little bit stubborn. But I do have to
19 revisit this document because right now I have in front of me the
20 French page and I have in front of me the English page. The
21 French page is E3/4083, that's the ERN 00778852, it says indeed,
22 "19th March, 'éliminer'", and then it says a date, "the 29th of
23 March 1978". That date doesn't appear in the English version and
24 the word "éliminer" or "eliminated" also does not appear in the
25 English translation. Now it might seem to be a detail because

1 this witness cannot say anything about it but if there is a
2 substantial difference in translation of potentially crucial
3 documents, I think, we might have a problem.

4 (Judges deliberate)

5 [09.59.15]

6 MR. PRESIDENT:

7 This document was in Khmer, it's quarto provision; on this
8 document, it means the abbreviation of "komtech", in English
9 "smash". So, the Co-Prosecutor referred to this document -- it
10 was not the same as earlier -- <it was written as "komtech"
11 meaning> "smash" on the 29th March <1978> and it is in <>
12 quotation and underlined. It means the same "smash on the 29th
13 March 1978". In Khmer it is the same.

14 MR. KOPPE:

15 Thank you, Mr. President, for your explanation. I'm not sure if
16 we have already established that the abbreviation "KT" means in
17 fact "komtech". But that's -- maybe assumed for a second -- but
18 it still doesn't explain why that date is not mentioned in the
19 English version and why apparently the translator wasn't able to
20 translate that word and the French translator was.

21 (Judges deliberate)

22 [10.01.04]

23 MR. PRESIDENT:

24 And in order to save time, the Chamber will instruct the ITU to
25 clarify the translations and then we will inform the Parties in

1 due course and the <International> Deputy Co-Prosecutor, you may
2 continue.

3 MR. DE WILDE D'ESTMAEL:

4 I merely <wished to state> that I have no further questions, Mr.
5 President <as my time has run out.> I would like to <leave some>
6 time <for> my colleague from the civil parties. Thank you <Mr.
7 President>

8 MR. PRESIDENT:

9 Thank you. And the designated lawyer for civil parties, you may
10 proceed.

11 Lawyer for civil parties, there is no need for formalities you
12 just go straight to your question as your time is very short<,
13 just 10 minutes>. Please switch on your microphone.

14 QUESTIONING BY MR. LOR CHUNTHY:

15 Thank you, Mr. President. My name is Lor Chunthy, a civil party
16 lawyer; and good morning, Mr. Witness. The Deputy Co-Prosecutor
17 has asked you certain questions and I have some more questions to
18 put to you as well.

19 [10.02.53]

20 Q. When evacuees arrived at your base, how many times were their
21 biographies taken?

22 A. When those evacuees arrived at our base, I did not have the
23 authority to make a list as I said I was involved with the
24 economic section at Nhaeng Nhang and the list was actually made
25 or drawn by the district <committee> and I did not know how many

1 times the biographies were made. I was mainly dealing with the
2 <food> supply to the front battlefield.

3 Q. At that time were there any meetings <amongst commune
4 committee> on the making of biographies of those people?

5 A. Yes. There were meetings held for each village head with the
6 commune chiefs but I did not involve in making the list of those
7 biographies.

8 [10.05.00]

9 Q. You stated before this Court, there were purges inside and
10 outside the rank. My question to you is about the implementation
11 of that plan at the commune or <village> level. Was there any
12 <meeting on> such plan for the commune to implement that
13 instruction?

14 A. As for the plan to purge the enemy inside and outside the
15 Party rank, in fact there was an announcement or instruction from
16 the sector to the district and to the lower levels about this
17 instruction, <inside the Party rank, there were cadres and>
18 whoever that committed a wrong doing or opposed the Party,
19 including the cadres, would be considered the enemy<. There were
20 disappearances successively. They were taken to other places,> so
21 those cadres <who opposed the cooperative> were considered the
22 enemies <outside> the Party ranks. <Not only> the <full-right>
23 people <and reserve people but also everyone> who opposed the
24 Party <> were considered the enemies<>.

25 Q. Also on this point, who actually drafted the report on the

1 issue of the enemies inside and outside the Party rank?

2 A. It was the commune who produced the report and submitted to
3 the relevant upper district <and to sector>. Sometimes the report
4 was written by the commune chief or by a clerk at the commune
5 office.

6 [10.07.30]

7 Q. Also in relation to this point -- and as you just stated,
8 there was a commune secretary and there was a commune office
9 clerk. What was the authority of the commune chief or the commune
10 clerk in producing that report?

11 A. The commune secretary or the commune clerk could only produce
12 a report based on the report from the village level. They did not
13 have any authority to make a decision but they only made a report
14 based on the reports from the village level and then they
15 forwarded such a report to the district.

16 Q. When you were a Commune Committee; for example, for Nhaeng
17 Nhang commune, Srae Rononug commune, Angk Ta Saom commune, were
18 you assisted by a commune office clerk?

19 A. In fact for each commune, there <were> supposed to be clerks
20 to assist in the works of the commune because sometimes the
21 commune chiefs went down to the worksite and they were busy
22 there. As in my case, starting from 1977, I spent most of my time
23 at the worksite <in Kampong Youl, Angk Roka, Tuol Sangkae>. So,
24 at the commune office, somebody would act in my capacity. Within
25 a year I engaged in the worksites, I engaged in digging canals

1 and <> dry season farming <in Kampong Youl worksite>, and I
2 worked full year of 1977, and at that time my function was a
3 member of the Commune Committee.

4 [10.09.20]

5 Q. You talked about worksites and it means that there were mobile
6 units working there. The mobile units who were sent to worksites,
7 were they classified into different categories, for instance, as
8 in the three categories of the people who were classified at the
9 time?

10 A. As for the force working at the worksites, they were not
11 distinguished in different categories as they all joined hands
12 working together -- that is, all the forces <including commune
13 committee and people.> And that applies to both building a dam,
14 or digging a canal or working at <> dry season rice farming.
15 However, they would be divided into different work units <such as
16 water unit, seedling transplanting unit, and ploughing unit>.

17 Q. As for the young children, what were they assigned to do in
18 your commune?

19 A. As for the children at the time, they were assigned to gather
20 cow dung and store it in one place and for the afternoon session,
21 they would be assigned to attend a class to study the alphabets
22 for one or two hours. And when they were free, they would be
23 ordered again to collect cow dung or to cut "kantreang khet" tree
24 leaves <in order to make natural fertilizer>.

25 [10.12.17]

1 Q. The children who were allowed to study at the time, did they
2 attend proper schooling, <was there any proper> classroom
3 building? <Were teachers educated?>

4 A. In fact, there was no proper building structure. The children
5 studied either under a house or under a big tree and the teachers
6 were not properly trained as they only knew how to read or write
7 <Khmer> or there were some teachers who were former teachers from
8 the former regime <or there were children who could read and
9 write> and who could teach <other> children.

10 Q. In the various communes that you supervised or managed, <how
11 was the healthcare sector there?> What would happen when people
12 got ill? <Where would they go?> Was there like a proper hospital
13 for treatment?

14 A. In each commune and in particular in my commune, there were
15 five to six medics for the treatment of the villagers and if they
16 could not be treated, they would be sent to a <sector> hospital
17 at Angk <Roneab pagoda> for further treatment. As for the
18 medication, it was in small supply.

19 [10.14.40]

20 Q. As for the medicine, was it modern medicine or was it
21 traditional herbal medicine?

22 A. There was very minimal amount of <traditional> medicines.

23 <>There was <Penicillin, Stripto (phonetic) and some others which
24 was collected from district hospital. Mainly, there was medicine
25 which was boiled and put into> half a litre bottle. <I don't

28

1 understand what salty serum or sweet serum was. I had no skill in
2 medical term, but I saw it.>

3 Q. As for the sick people and due to the <poor healthcare>, for
4 instance, did some of them die?

5 A. Yes, they did. It happened successively. When I was in charge
6 of Srae Ronoung, <there was enough food and> not many people died
7 from illness. <However, before I was in charge>, they were sent
8 to Angk <Roneab> hospital for treatment and some of them
9 <successively> died there.

10 [10.15.45]

11 MR. PRESIDENT:

12 It is now convenient for a short break. We will take a break now
13 and return at 10.30. <Please be back in the courtroom.>

14 Court officer, could you assist the witness <at the waiting room
15 for witnesses and civil parties> during this short break and
16 invite him and the duty counsel back into the courtroom at 10.30.

17 The Court is now in recess.

18 (Court recesses from 1016H to 1033H)

19 MR. PRESIDENT:

20 Please be seated. The Trial Chamber is now back in session and I
21 would like to hear from Judges: Do you have any questions to put
22 to this witness? If so, you may proceed.

23 Judge Lavergne, you may proceed.

24 QUESTIONING BY JUDGE LAVERGNE:

25 Yes, I have very few questions <but I would like something

1 cleared up>.

2 Q. Mr. Witness, you made mention of Ta San, who was a cadre at
3 the district <level>. Was Ta San known by another name? Was he
4 also called Ta Ouch --"Ta Ouch" >?

5 MR. NUT NOV:

6 A. During the regime, I didn't know his name by Ta Ouch, but I
7 knew him very well at the time by Ta San. But I don't know where
8 he is now <because we are separated>. But didn't hear his name
9 called <Ta> Ouch during the regime.

10 [10.35.14]

11 Q. Were there other cadres in Tram Kak district who also bore the
12 name Ta San?

13 A. No. There was no other person by the name of Ta San; only one
14 Ta San was the district chief <of Tram Kak district>.

15 Q. And yet, Mr. Witness, when I read your statement, E3/5521, at
16 answer 67, you make mention of a person called Ta San who was a
17 member of Srae Ronoung commune. Does that remind you of anything?

18 A. I didn't say Ta San was the <member of> Srae Ronoung Commune
19 Committee but he was the member <> of Tram Kak district. <When he
20 arrived, he was in Tram Kak district.>

21 [10.36.51]

22 Q. I'll read answer 67. This question was put to you.

23 "What was the name of your <deputy chief> at Srae Ronoung?"

24 Answer: "<The person called> Som Phoa, <now> deceased, was the
25 deputy and the old <San,> Ta San was <simply a> member." <So who

1 was the member of the Srae Ronoung commune?>

2 <MR. KOPPE:>

3 MR. PRESIDENT:

4 Yes, you are clear; <it was Ta Sorn, not> Ta San, but could you

5 wait until we hear from the witness in his response to the

6 Judge's question. <There may be some confusion. It was Sorn in

7 Khmer.> But we would like to hear from the witness first. <Who

8 was Sorn in Srae Ronoung commune?>

9 At Srae Ronoung commune, who was Ta San?

10 Witness, now you can proceed.

11 MR. NUT NOV:

12 A. <Sorn> was the member of Srae Ronoung, but he is now dead. Som

13 Phoa was the deputy chief of the commune of Srae Ronoung. They

14 both died. He was not Ta San, but his name was Ta Sorn.

15 [10.37.42]

16 BY JUDGE LAVERGNE:

17 Q. Thank you for that clarification. <I have a> few questions

18 about the cadres working <at> the district level. Have you heard

19 <people speak of a man who went by the name of> Iep Duch, <who

20 was> responsible for youth at the district level?

21 A. Iep Duch, I know him very well. He was the chief of Tram Kak

22 Youth Committee before, and later he was sent to Krang Ta Chan.

23 He worked there, and later he was sent to the North Zone, but I

24 don't know which rank he was holding. But now he has died three

25 or four years ago, when he drank too much and then he was

1 fatigued and died.

2 Q. Have you heard of <someone who went by the name of> Phann
3 Chhen?

4 A. Phann Chhen was a former cadre who worked there, but I don't
5 know where he is living now. But he used to be at Kus commune.

6 [10.40.10]

7 Q. <Did> Phann Chhen work at Krang Ta Chan?

8 A. I didn't hear that he was working at Krang Ta Chan.

9 Q. Have you heard <of a cadre -- or> the name of a cadre called
10 <Phy-- Phy> and who was disabled, in the legs?

11 A. I knew Phy who was handicapped on his legs. Earlier he was at
12 Tram Kak district and later he was sent to be commune chief in
13 <107> either Roka commune or <Roneam> commune; I <do> not
14 remember well that name.

15 Q. Mr. Witness, here's my last question. Did you ever make
16 district level requests for <food> provisions to be sent to your
17 commune when <you were lacking such food provisions>? Did you
18 ever make requests of that kind?

19 A. When there was food shortage or clothing for the people, I
20 used to make a request and it was sent to the District Office.

21 [10.42.05]

22 Q. And generally speaking, did you receive clothing or food when
23 you made the request for them?

24 A. When I sent a request to the District Office but the district
25 would supply with cloth, not dress or clothing. We receive <cloth

1 successively> but not sufficient as we were in need at the time
2 <in the commune>.

3 Q. What about food <provisions>? Did you <receive food
4 provisions> from the district?

5 A. Yes. In terms of food, we received some quantity of rice. It
6 used to be supplied from time to time to the commune.

7 Q <So why is it then that you> hid some of the harvest if you
8 <received rice every time that you put a request through to the>
9 district?

10 A. The reason I hid some food just to be ready to supply in case
11 we don't have enough food for the people. And sometimes I also
12 requested for food from the District Office so that I can have
13 sufficient for my people <and they could have energy to work>.
14 This is one of my techniques in supervision and management of
15 people in my commune.

16 JUDGE LAVERGNE:

17 Thank you, Mr. Witness. I have no further questions.

18 [10.44.33]

19 MR PRESIDENT:

20 Next, the Trial Chamber would like to give the floor to the
21 defence counsels. And first, the defence counsel for Nuon Chea
22 will take the floor first to put questions to this witness.
23 Counsel, now you may proceed.

24 QUESTIONING BY MR. KOPPE:

25 Thank you, Mr. President. Good morning, Mr. Witness. I would like

1 to ask you a few questions, and I would like to start with
2 reading back to you an answer that you gave to the Investigators
3 -- that is, D118/34, question and answer 20. The question reads
4 as follows:

5 "What year did the purging take place?"

6 And your answer at 20 is -- and I quote: "At that time, the first
7 secretary of Sector 13 was Ta Saom. He had been called to study
8 at Phum Phnum Klaeng and disappeared with two to three commune
9 chiefs. I thought those persons had been purged but I did not
10 know where they were taken to. They only said that those persons
11 were called to study. I do not recall what year it was."

12 [10.46.08]

13 And in the other document, E3/5521, in answer 119 -- A119 -- the
14 question is: "Do you remember who the sector committee was?"
15 Your answer: "Saom (it is not known if he is still alive) was,
16 later on Ta Brak (he was arrested in '77 or '78), then Ta Ran (It
17 is not known if he's still alive), then Ta Tith (he was born in
18 Trapeang Thum village, Tram Kak district), and then Ta Kit
19 (deceased), was the sector committee."

20 Q. Mr. Witness, my question is first about this person Ta Saom.
21 In your first answer that I read to you, you said that he was
22 called to study at Phnum Klaeng. Can you tell us how you know
23 this fact?

24 [10.46.37]

25 MR. NUT NOV:

1 A. When he was called to a study session, the letter was from a
2 District Office that he will go to Phnum Klaeng. It was the
3 school for the sector office. It was under the supervision of Ta
4 Saom.

5 Q. And where is Phnum Klaeng?

6 A. Phnum Klaeng was to the south of Takeo provincial town in
7 Treang district. It was probably 3 kilometres away from the
8 provincial town of Takeo.

9 Q. And how do you know that he got a letter from the District to
10 come to study?

11 A. During that regime, the letter was delivered by the messengers
12 at the commune level.

13 [10.48.42]

14 Q. And in your answer you are saying that he disappeared along
15 with two to three commune chiefs. Do you remember who these two
16 to three commune chiefs were?

17 A. After the meeting, there was a live view discussion at the
18 school and his disappearance at the time in Angkor Chey district,
19 also in Takeo province -- it was codenamed as 106 district -- and
20 a person whose name is unknown to me, people <> disappeared from
21 Samlanh commune and from Angkor Chey and <Mroum> commune, those
22 were the commune chiefs who disappeared.

23 Q. Would you be able to tell us the reason why you think he
24 disappeared?

25 A. The disappearance -- I noticed that in the next meeting they

1 did not appear at the meeting and I heard that they were arrested
2 and sent for study session. They were the commune chiefs that I
3 mentioned earlier -- from the communes I mentioned earlier.

4 Q. Do you know the reason for the arrest of Ta Saom?

5 A. I didn't know about it because he was from the sector level. I
6 didn't hear about that during the regime; I have just heard here
7 in this Court, in this hearing <today about the arrest of Ta
8 Saom>.

9 [10.51.28]

10 Q. What is it exactly, Mr. Witness, that you have heard in this
11 Court?

12 A. I heard that Ta Saom was arrested. I have never heard this
13 before.

14 Q. Maybe I'm misunderstanding your answer, but I thought that was
15 the thing that you had said yourself in the statement and are
16 repeating now. So maybe there is some confusion about the
17 translation, but was Ta Saom arrested? And if yes, for what
18 reasons, if you know?

19 A. No, I don't know that he was arrested. But I noticed that he
20 disappeared from Sector 13. I heard during that time he was sick
21 and he went away for treatment. After his disappearance, Ta Prak
22 was assigned to replace him and for this person -- later Ta Prak
23 was also arrested, disappeared, and then Ta Rorn was sent to
24 replace him, and then Ta Rorn was sent to the <assembly> in Phnom
25 Penh and he <>injured his leg by a train accident and Ta Rorn

1 disappeared, and finally Ta Tith was assigned to replace him and
2 later for a while, Ta Tith went away <unknown>. So it was secret
3 to the commune people. And after Ta Kit was assigned to replace
4 him. And Ta Kit was there for about a few months, and then the
5 country was liberated <>by the Vietnamese troops.

6 [10.54.07]

7 Q. Mr. Witness, do you remember when Ta Rorn replaced Ta Prak?

8 A. I do not recall the specific year but I just knew that he was
9 replaced.

10 Q. In your answer you said that Ta Prak was arrested in '77 or
11 '78. Do I understand you correctly that Ta Rorn must have been
12 arrested after Ta Prak? So, maybe, somewhere '78 or maybe '77?

13 A. I don't recall the specific date but I knew that he was
14 arrested.

15 Q. Do you know if there is any connection between Ta Saom and
16 Chou Chet?

17 A. I don't know any connection of people who were at the upper
18 echelon. I didn't know and nor did I hear about that.

19 [10.56.05]

20 Q. Do you know who the Secretary of the West Zone was?

21 A. No, I don't know him. And I do not know his name either.

22 Q. Does Ta Sy ring a bell?

23 A. I heard from people of his name, Ta Sy, but I have never met
24 him in person, I just heard his name.

25 Q. Have you ever heard whether there was a relation between Sy

1 and Saom?

2 A. No, I don't know about that.

3 Q. What can you tell us about a person called Ta Keav? What do
4 you remember of him?

5 A. I know Ta Keav very well. I know his background. He was from
6 the same <commune> as mine. I knew him very well.

7 [10.58.25]

8 Q. Do you know what happened to him in DK?

9 A. He was the Secretary of Tram Kak in 1970. After the
10 liberation, he was removed and sent to the sector mobile unit at
11 Angkor Borei. It was somewhere at Angkor Borei mountain -- might
12 be to the south of that mountain -- and later I heard that he was
13 arrested and sent to <Sanlong> Mountain for detention. But I
14 don't know the reason behind his arrest, and finally he was sent
15 to Vihear Khpos, and finally he was sent to an area to the south
16 of Phnom Penh. I don't remember the name of that mountain, and
17 then he disappeared after the liberation of Cambodia by the
18 Vietnamese troops.

19 Q. Do you know if Ta Keav had any relationship with Sy -- or Chou
20 Chet? That's the same person.

21 A. No, I didn't know about that.

22 Q. Mr. Witness, we have been talking about some fellow cadres
23 that you knew, and a few of them you said were arrested. Do you
24 have any knowledge as to why they were arrested? Why they were
25 taken out of the district, or out of the sector?

1 A. During the regime, everything was secret. I didn't know about
2 that.

3 [11.00.35]

4 Q. I understand, but you might have heard details or you might
5 have acquired knowledge after 1979. Is that the case?

6 A. As for information after 1979, I heard about the cadres who
7 had been arrested and subsequently smashed by Pol Pot -- means
8 they had all been killed - because, later on, none of them was
9 ever seen, including Ta Keav.

10 Q. Would you be more precise, Mr. Witness, as to the fate of
11 Saom, Keav and Ta Prak? What was the reason that you think they
12 were smashed?

13 A. I didn't know for sure. I only knew that after his arrest, he
14 disappeared. Ta Keav, who lived in the same <commune>, was taken
15 together with his wife and two of his younger children, but I did
16 not ask him, nor did I see it, but I heard that he was killed.

17 [11.03.16]

18 Q. Have you heard any information after 1979 indicating that
19 Saom, Keav and Prak were in the network of Sy or Chou Chet?

20 A. I didn't know about that even after 1979. I was arrested by
21 the Vietnamese troops and placed at the refashion centre at Kaoh
22 Andaet <for six years>. It was known as the relocation centre or
23 Office 163 and <first> it was controlled by the Vietnamese
24 troops, but <later> there were some Cambodians who worked there
25 and who knew me. Then I was asked to fill in the forms <to meet

1 my wife and children> in 1986 <but I do not know the exact day
2 when I was released from the detaining center or office 163>. And
3 when I returned to my village, I was appointed as deputy village
4 chief and subsequently due to my work experience during the
5 regime -- although there were both positive and negative aspects
6 of it -- of course the good thing <which was> the positive side
7 was about 60 to 70 per cent, and then <district committee
8 appointed me to be a deputy chief> of Angk <Roneab village> and
9 subsequently <>I stood for a member of the commune <committee>
10 and subsequently I was elected as a member of Tram Kak District
11 Committee.

12 [11.04.56]

13 Q. But is it your testimony that after '79 you were re-educated,
14 or refashioned, for six years by the Vietnamese?

15 A. Yes, that is correct.

16 Q. Mr. Witness, you briefly mentioned a person with the name Phy
17 and that this person had an accident. You gave some details
18 earlier, but I would like to ask you to be a little more
19 specific. What do you remember about Phy?

20 A. I did not know what happened to Phy since he worked in a
21 different commune or district.

22 Q. Have you ever heard stories that Phy was executed in 1979 by
23 the Vietnamese?

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

25 Q. Do you know what role, if any, Phy had in relation to Krang Ta

1 Chan or Re-education Office 105?

2 A. No, I did not. I only knew that he was a Commune Committee of
3 District 107 and he was in Roneam commune. <I am not quite sure.>

4 Q. Mr. Witness, there are other witnesses who have testified that
5 Phy was in fact -- was possibly the superior of Ta An, who was
6 managing Krang Ta Chan. Does that ring a bell?

7 A. No. I was not aware of that and I only heard that Ta An was
8 chief of Krang Ta Chan Security Centre.

9 [11.08.35]

10 Q. Can you tell us some more about what accident Phy had?

11 A. I did not know the details regarding Phy's accident.

12 Q. Do you know if he was hit by a car or by a train? Does that
13 refresh your memory?

14 A. No, I cannot recall that.

15 Q. Thank you, Mr. Witness. I would like to move on to another
16 subject, that's the subject about the food situation. I would
17 like to refer you to your answer in E3/5521. Your answer, A48.
18 The question of the investigators is: "Where was rice taken
19 from?" And then you answer: "I did not know, but knew that there
20 was overseas aid." Can you give us some more details as to this
21 overseas aid? Where did it come from? How much was it? Details
22 like this.

23 [11.09.45]

24 A. After the liberation of the country in 1975, I knew about rice
25 aid as the communes were called to collect them from the

1 district, although I did not know from which overseas countries
2 donated the rice to Cambodian people <because I did not ask them.
3 I just knew it was foreign aid> after the conclusion of the war
4 <with Lon Nol's regime>.

5 Q. Did you hear maybe afterwards where the overseas aid came
6 from? Maybe from China? Or you don't know.

7 A. It was likely that the aid came from China, or it could be
8 from another country because I am not sure.

9 Q. Do you have any memories as to the amount of this overseas aid
10 coming into your commune? Was it small? Was it big? Are you able
11 to say anything about this overseas aid?

12 A. The aid was not enough although it kept coming in at the time.
13 For each time we received about 10 sacks of rice for distribution
14 to the villagers <in the commune>. But I cannot give you the
15 exact figure of the amount of aid we received.

16 [11.12.30]

17 Q. Do you remember how soon, or how quick after liberation you
18 saw the first sacks of overseas aid coming into your commune?

19 A. No, I cannot recall the period. I only recall that the
20 economic section went to pick the rice from the district and then
21 brought it into the commune.

22 Q. Do you remember how long the overseas aid in the form of rice
23 was coming into your commune? How long did that last? Did it go
24 into '76 or did it go into '77?

25 A. The aid continued until 1976, and after that, each commune

1 started to produce the amount of rice yield <from time to time>.

2 Q. Do you remember whether it was only rice coming in or was it
3 also other food products that were coming in after the liberation
4 in the form of overseas aid?

5 [11.14.20]

6 MR. PRESIDENT:

7 Mr. Witness, please wait for the microphone to be operational
8 first.

9 MR. NUT NOV:

10 A. There seems to be nothing else but rice, however, there could
11 be clothing and that we used it for the supplies to our people.
12 And there <was little medicine provided from time to time>, but I
13 cannot recall the details or the <exact> amount we received.
14 However, for this aid, they did not come in frequently. <It was
15 once in a while.>

16 BY MR. KOPPE:

17 Q. Are you able to tell from your memory whether, at one point in
18 time after liberation, the food situation got better, that there
19 was more rice available for the people? For instance, would you
20 be able to make a comparison in terms of rice production and food
21 supply between 1975 and 1976 in your commune?

22 MR. NUT NOV:

23 A. On the situation of the living condition in my commune, the
24 food supply was not sufficient as the rice yield was not that
25 plenty. Other communes at the upper level in the area produced

1 sufficient product. Then a request was made to the district and
2 then some surplus from other communes was given to us to resolve
3 the living condition of our villagers. At that time gruel was
4 given to people in the morning and for the afternoon they had
5 cooked rice. And let me state that, at the time, the food was not
6 sufficient.

7 [11.16.08]

8 Q. Was there, in your memory, a point in time in the years
9 between '75 and '79 that the food situation did become
10 sufficient? In other words, are you able -- or is it the
11 situation that, at one point, there was no lack of food anymore?

12 A. It was very difficult <in terms of food.> People <did not
13 have> sufficient food to eat. In fact it was not that sufficient
14 but there was more produce, more rice and more vegetables, and we
15 also raised livestock, including pigs and chickens, and the
16 economic section also sent people to go fishing in order to
17 gather supplementary food for our people. Every 10 days in my
18 commune and in other communes as well, people were given pork or
19 beef. It means they would receive the meat, <not vegetables> for
20 that whole day. Sometimes a commune would kill a <pig, so people
21 would have pork to eat on that day>. And that also happened in my
22 commune. So we did raise livestock to supplement our food
23 although it was not plentiful. But we could resolve the food
24 shortage from time to time.

25 [11.18.06]

1 Q. Mr. Witness, is it your recollection that the upper echelon
2 tried or did its best to improve the food situation in your
3 commune?

4 A. The upper echelon issued instructions to the lower levels that
5 we had to resolve the food issue so that villagers could have
6 sufficient food to eat. And if a leader at the village or commune
7 chief level couldn't do it, then we would be in trouble. And for
8 that reason we tried very hard to resolve the problems <because I
9 was afraid of being arrested. There were arrests from time to
10 time>. And in certain cases, some people in the leadership level
11 would be removed from one position and transferred to others. As
12 in my case, I was transferred from Leay Bour to Srae Ronoung and
13 subsequently to Angk Ta Saom. <I did not know the reason behind
14 this transfer.>

15 Q. Mr. Witness, in your answer to the investigators at E35/521,
16 answer 100, the question is: "Did people die of starvation?" And
17 your answer is: "No one died of starvation." My question to you
18 is: Is it your testimony that also in the difficult period, 1975,
19 maybe 1976, no one died of starvation?

20 A. Yes, I did make that statement. People died of illness. Some
21 <>people <were not used to manual work especially people who came
22 from the cities,> and due to a sometimes shortage of food, they
23 <continuously> fell sick <and had fever>.

24 [11.21.28]

25 Q. I will get back to that topic, Mr. Witness. But just to be

1 clear, is it your testimony that your recollection in your
2 commune, nobody died of starvation, including in the years 1975
3 and 1976?

4 A. Yes, indeed. And as for those who died, they mainly died of
5 illness. And on the issue of food shortage, it could be one of
6 the many factors that made those people ill <and died
7 successively>.

8 Q. Mr. Witness, you would agree with me that also today in this
9 country and in all the other countries of the world, people die
10 of diseases. So also in 1975 and 76, people would die of
11 diseases. My question to you is the following: How would you be
12 able to establish there was any link between living conditions
13 and food shortages and the subsequent illness of people?

14 [11.22.13]

15 A. As I stated, people died of diseases. Maybe they died <from>
16 overwork, or<> the lack of food, <and these caused them to have>
17 personal illness.

18 Q. I understand, Mr. Witness, but you would agree with me that
19 people die, because of old age, because of diseases. So my
20 question to you is: Were you able, in your position as commune
21 chief, to determine whether there was any causal effect between
22 the living conditions or the working conditions, and the
23 subsequent death of these people?

24 A. I did not understand the cause of their death. And I stated
25 what I understood. They could die from the lack of food supplies,

1 or could be from over work, or poor sleeping quarters, or because
2 they died of old age. <People died continuously.>

3 Q. Well, that was my question. I understand that you are not a
4 demographic expert, but again, are you able to give us some
5 information as to the sources of knowledge of people dying in
6 your commune? Did you speak, for instance, to people of the
7 hospitals or other authorities in relation to sickness and death
8 of people?

9 A. I did not know for sure.

10 [11.25.38]

11 Q. Thank you, Mr. Witness. I would like to turn to another
12 subject and it is your question in answer 31, in document
13 E3/5521. The question, Mr. Witness, of the Investigators is as
14 follows: "In your village how many people were called and taken
15 to study?" And your answer is -- I quote: "I did not know how
16 many because this was their secret story. And for the people who
17 were called to go and study they were never seen coming back."
18 What is it you exactly meant with "their secret story"? Could you
19 clarify, please?

20 A. I, of course, cannot tell you as to the <exact> number of
21 people who were called and they went and never came back. I, in
22 fact, was also called for re-education session and I was not
23 aware that I was about to be sent for execution, and only after
24 1979 when I went to visit Krang Ta Chan, I was shocked and I felt
25 regret for what happened.

1 [11.27.30]

2 Q. Did you just say, Mr. Witness, that you yourself was asked --
3 or sent for re-education during the DK regime?

4 A. As I said, when I was promoted to become the commune chief in
5 1978, I never sent anyone for re-education, but previously,
6 people were actually sent for the education. But I did not do
7 that in my position.

8 Q. Maybe I misunderstood your answer. I thought that you said
9 that you had yourself been sent for re-education, but that's, I
10 take, it is not true.

11 A. Personally, indeed, I was sent for a study session and I was
12 given <documents> so that when I returned back to my commune I
13 would implement what I learned -- that is, to increase rice
14 production, and that's what I mean by I also was sent for a study
15 session.

16 [11.29.11]

17 Q. So you came back and kept working after your re-education, or
18 study session rather. Do you know of any experience of other
19 people who went for a study session or re-education session and
20 came back into the commune?

21 A. After I attended the study session and asked for other people
22 or other villagers who were sent for the session they never
23 returned. But, in my case, I attended the study session, but the
24 purpose of such sessions were to, for us, in our capacity to
25 resolve the living conditions of the people <in the commune>, to

1 increase the yield production of rice <and to provide sufficient
2 food for people>, for example. That's what I did. And I also
3 would like to reiterate that, in my capacity as commune chief at
4 the time, I never sent any of the people in my commune for study
5 sessions or re-education.

6 Q. I would like to ask you something more about "they never
7 returned". Are you implying something with these words, "they
8 never returned", or are you simply saying that you don't know
9 what happened to them?

10 A. Indeed, I never saw them return.

11 [11.31.09]

12 Q. But when you say that, do you mean that you know what happened
13 to these people?

14 A. I did not know what happened to them.

15 Q. So, in your experience, would it be possible that they had
16 been sent to other communes, or other districts in the country?

17 A. I cannot say for sure because when they did that, it was
18 secretive. However, from my observation, when people were sent
19 for a study session, we could not say whether they were sent to
20 be killed or not, because what they did was secretive. Even I was
21 a commune chief, I did not know about that. I only knew that they
22 were sent for study sessions, or for study, and they never
23 returned.

24 Q. So is it fair to say that you are speculating when you say
25 "they never returned", implying that they might be executed, that

1 this is speculation?

2 A. It's because I didn't see them come back and it was my
3 personal experience or impression that they were executed.

4 [11.33.23]

5 Q. And you being the exception to the rule?

6 Mr. Witness, I would like to return to Krang Ta Chan now. You
7 said that you never saw -- that you didn't know of the existence
8 of this re-education centre. Is that correct? Not before 1979?

9 A. During the regime, I knew where Krang Ta Chan was and I heard
10 that it was called Krang Ta Chan Security Centre, but I was not
11 aware that people were executed there. However, after I concluded
12 my study session at Office 123, I was called to attend a ceremony
13 near Krang Ta Chan and when I visited the site I was shocked.

14 Q. So, your testimony is now that you knew during the DK regime
15 of Re-education Centre 105, but that you knew of possible
16 executions only after 1979. Is that a correct summary of your
17 testimony?

18 A. Yes, I knew about it for certainty after 1979 and I felt angry
19 about what they did. In fact, my younger sister was arrested and
20 one of my sons also disappeared, though I didn't know where he
21 was sent to <but they disappeared until now>. And of course I
22 felt <very> angry about that.

23 [11.35.40]

24 Q. My last question, Mr. President on this topic. Would it be
25 fair to say that you only knew of Krang Ta Chan as a possible

50

1 execution site after your re-education for a six-year period by
2 the Vietnamese?

3 A. I attended a ceremony at Krang Ta Chan and that's when I saw
4 it. After I was released from the refashion centre <or> office
5 163 at Kaoh Andaet, <I was> the deputy chief of a village <and I
6 was> invited<> to attend a ceremony near Krang Ta Chan and then
7 -- that was the time that I saw it personally.

8 MR. PRESIDENT:

9 The time is appropriate for a lunch break. We will take a break
10 now and we will resume this afternoon at 1.30. <Please be back in
11 the courtroom.>

12 And Court officer, please arrange the place for the witness <at
13 the waiting room for witnesses and civil parties> during the
14 lunch break and invite him and his duty counsel back into the
15 courtroom at 1.30.

16 And security personnel, you are instructed to take Mr Khieu
17 Samphan to the waiting room downstairs and have him back into the
18 courtroom this afternoon before 1.30.

19 The Court is now in recess.

20 (Court recesses from 1137H to 1333H)

21 MR. PRESIDENT:

22 Please be seated. The Court is now in session, and the Chamber
23 gives the floor to the defence counsel for Mr. Nuon Chea. I would
24 like to inform that the combined time for the two defence teams
25 is one whole afternoon. You may proceed now.

1 BY MR. KOPPE:

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

3 Mr. Witness, before the break we were speaking about an answer
4 that you gave. I would like to follow up on that, and that is by
5 reading another answer that you gave earlier to Investigators --
6 that is, E3/5521, question 124. The question that the
7 Investigators asked you was the following: "For the period of
8 three years, did you witness any arrests of people?" Your answer
9 is: "The arrests were done confidentially. I never witnessed
10 them."

11 [13.35.22]

12 Q. My question is to you now: Could you elaborate this answer?
13 Did you never really see any arrests of people, ever?

14 MR. NUT NOV:

15 A. That is my true statement. I never witnessed the arrests. They
16 came at night-time after they got the reports. They came to
17 contact with the militia, and people were brought away during the
18 night-time, and it was very <secretive; that's why I did not
19 witness the arrests.>.

20 Q. Do you know what the reason was to be so quiet about arrests?
21 And why it happened at night-time?

22 A. From what I knew, the arrest took place at night-time because
23 they did not want to let ordinary people know about the arrests.

24 [13.36.55]

25 Q. Do you know, Mr. Witness, whether a distinction was made in

1 the period of DK between so-called minor crimes, on the one hand,
2 and serious crimes, on the other hand? Was there such a
3 difference, to your knowledge?

4 A. I could not give you my guess, or my prediction, how the two
5 were different, because I was not aware of the two.

6 Q. In your years in Nhaeng Nhang, as community chief, nobody ever
7 stole a coconut or cassava, for instance?

8 A. When I was in Nhaeng Nhang commune, it was not the commune, it
9 was the office. I was dealing in economics, and I never witnessed
10 any stealing of coconuts or of any other properties.

11 [13.38.35]

12 Q. Have you ever heard of people within your commune being
13 accused of stealing something because they were hungry?

14 A. I never witnessed, I never heard of it.

15 Q. Another topic that we already spoke about, and you spoke about
16 it earlier -- that is, re-education. That is a follow-up question
17 to a question before the break. Do you know of any instances of
18 people who were re-educated multiple times? People who were sent,
19 coming back, sent, coming back? You might have answered this
20 question already in other words, but I would like to make sure
21 what your experience was. Have you ever heard of people who were
22 sent multiple times for re-education?

23 A. I never witnessed people who were sent <for re-education>
24 multiple times. I knew that people were sent for re-education,
25 and they disappeared. For this instance, I have heard of.

1 [13.39.47]

2 Q. Very well. I would like to ask you another question on another
3 topic, Mr. Witness, and that is your statement E3/5521, your
4 answer to questions 25 and 27.

5 Question 25 reads as follows: "In 1975, did you see the
6 evacuation of people?"

7 And your answer is: "I saw people evacuated from the city. They
8 travelled along the road toward their individual birth districts.
9 In case people who did not have the birth district, they asked to
10 stay as citizens in that village or district."

11 And question A27: "When people came to live in the village, was
12 there any instruction plan?" "The upper echelon instructed to
13 have those people live in one location, either in the pagoda or
14 in the school. Later on, they were divided to go to the villages.
15 Upon arrival in the village, they ate commonly with the Base
16 People."

17 [13.41.45]

18 My first question, Mr. Witness, is about people who had come from
19 the city and travelled to what you called "individual birth
20 districts". How were you able to determine that people who came
21 from Phnom Penh actually had returned to their birth district?

22 A. Phnom Penh evacuees, they travelled along the road. They
23 <>pushed carts, <>some people were travelling by car, and they
24 had some small belongings. And there was the announcement that
25 those who came from which birth district <or province>, they

1 should go back to their birth districts.

2 Q. But in your years as commune chief of Nhaeng Nhang, for
3 instance, were you able to tell who, from the original evacuees,
4 had in fact returned to their birth district?

5 A. I once again would like to inform you that I was in the
6 office. I never became a commune chief <in Nhaeng Nhang>. People
7 from Phnom Penh were travelling along the <national> road <number
8 3> near my office. And they said they were from Kampot province,
9 and some said that they were from nearby villages. And I was told
10 that they were travelling to find their parents at their birth
11 place.

12 [13.44.05]

13 Q. I know it's a difficult question, but are you able to give a
14 percentage of people who had arrived from Phnom Penh? How many of
15 the people who you saw were in fact -- or had in fact returned to
16 their birth village?

17 A. At that time, I did not know how many of them, and I could not
18 give you the statistics. But I could see people were travelling.
19 I do not know how many families were travelling to their birth
20 districts. Some people were travelling to the west, to Kampot
21 province, and some were travelling <along road 31> to Tuk Meas.
22 So I could not tell you the percentage.

23 Q. I understand, Mr. Witness, but the reason I'm asking you the
24 question is because you yourself made the distinction. Could you
25 indicate whether the majority of the people coming from Phnom

1 Penh were in fact people who had returned to their birth
2 district?

3 A. I do not get your question. Please repeat your question<>.
4 [13.45.07]

5 Q. I'll move on, Mr. Witness. People who had come from Phnom
6 Penh, either returning to their birth district or not, were they,
7 in your knowledge, discriminated against because they were people
8 coming from Phnom Penh?

9 A. First, people were not discriminated. People from Phnom Penh
10 or from Takeo province, they were allowed to live in
11 cooperatives. At the beginning, there were no proper settlers,
12 and some people were living with their parents for a temporary
13 period of time, and some others were living in schools, in
14 pagodas, so they were eating <>communally, with the Base People
15 at that time, at the beginning.

16 Q. But were you ever instructed to treat the people who had just
17 arrived from Phnom Penh worse than the people who already lived
18 there? For instance, in terms of food or working conditions? Or
19 was everybody treated the same?

20 A. As I told the Court already, at the beginning, people were
21 treated equally. They were eating together. There were no clear
22 plans and there were no distinctions, at the beginning.

23 [13.48.05]

24 Q. So, in other words, no such policy from the upper echelon
25 existed? You were not instructed to make any distinction between

1 the people; is that correct?

2 MR. PRESIDENT:

3 Please hold on, Mr. Witness. You may proceed now, International
4 Co-Prosecutor.

5 MR. DE WILDE D'ESTMAEL:

6 I have an objection, Mr. President. The answer was as follows.
7 This witness said on two occasions that at the beginning, the
8 people were treated in the same manner. He didn't say <until what
9 point, nor did he make mention of any particular time frame>. And
10 this question asked is very general. <It speaks> in general terms
11 about <the treatment of> displaced persons without referring to
12 the specific period, and <I believe that> it is important for us
13 to know what that period is. Thank you.

14 [13.49.10]

15 BY MR. KOPPE:

16 Very well. Mr. President, I will specify.

17 Q. Mr. Witness, you've testified that there was no difference in
18 treatment between 17 April People or New People, and the Old
19 People. Was that the same for every year? Were the people treated
20 the same in 1975, 1976, 1977, 1978?

21 MR. NUT NOV:

22 A. I do not really get your question. I would like to consult
23 with my duty counsel first.

24 MR. PRESIDENT:

25 It is <>not a question which leads to self-incrimination. So your

1 answer may not lead to any prosecution against you. You may
2 consult with your duty counsel when it comes to the question
3 which leads to self-incrimination. After<> you got a question
4 from the Party, you may give your response. So your answer may be
5 the result of the statement you gave to Investigator of the OCIJ
6 in the past time.

7 MR. NUT NOV:

8 A. Thank you very much. As I informed the Court already, at the
9 beginning they were eating together. They were working <and
10 eating> together. And after that, people were put in different
11 groups. There were 17 April People group, and they were<> living
12 in different group from Base People.

13 [13.51.22]

14 BY MR. KOPPE:

15 Q. I understand. Thank you, Mr. Witness. But my question relates
16 more to discriminatory measures, treating one group more badly
17 than the other group. Your testimony was, I believe, no. But my
18 question is: Was there any change in treatment? Was the treatment
19 the same in 1975, '76, and '77, and so on?

20 MR. NUT NOV:

21 A. In 1975, as I said, people were equal. When it comes to 1976
22 -- late 1976, some people who were evacuated from different
23 places, they were put in the units, <which were different from
24 Base People>.

25 [13.52.40]

1 Q. Mr. Witness, do you remember an instruction in the summer of
2 1978 indicating that the division between Base People and 17
3 April People was to be abolished?

4 A. In 1978, I knew that the division was abolished, and there was
5 an announcement that people were to be treated equally, no matter
6 that they were 17 April People or they were Base People. The
7 division was abolished in late 1978.

8 Q. But how does that compare to your answer that people weren't
9 discriminated to begin with?

10 A. At the beginning there was no discrimination, and after that,
11 <>division of people were imposed. In late 1978, people were
12 again treated equally. It was prohibited that there was no
13 discussion of 17 April People, so people from 1978 were treated
14 equally.

15 [13.54.35]

16 Q. Thank you, Mr. Witness. Last question: Do you know how many
17 people were living in Nhaeng Nhang commune in 1975-1976, by
18 estimate?

19 A. I was not aware of the numbers of people who were living in
20 Nhaeng Nhang. I did not have any statistics. Only the Commune
21 Committee knew about the statistics. <I was in the commune
22 office, so> I was not aware how many people, how many families,
23 households, how many families were living in Nhaeng Nhang.

24 MR. KOPPE:

25 Thank you, Mr. Witness. Thank you, Mr. President.

1 MR. PRESIDENT:

2 Now I give the floor to the defence team for Mr. Khieu Samphan to
3 put your questions to this witness.

4 [13.55.15]

5 QUESTIONING BY MR. KONG SAM ONN:

6 Thank you, Mr. President.

7 Q. Mr. Witness, I would like to seek your clarification on your
8 answer concerning the difference between commune committees and
9 commune office. You stated earlier already that you were dealing
10 with economics, food supplies, and so on. I would like to seek
11 your clarification. What were the cadres doing in the commune
12 office, and how was the commune office different from the Commune
13 Committee?

14 MR. NUT NOV:

15 A. Thank you very much. Commune committees were dealing with
16 administration. They were supervising people. For those who were
17 working in the office, the commune office, they were dealing with
18 food supplies. <At that time, there were soldiers in front
19 battlefield.> So, at the beginning, <there was no food supply.>
20 Communes and villages would come to seek a food supply from the
21 commune, and the commune chief would decide on food supply. And
22 Bun Sy was the former chief of the commune. I heard that <>he is
23 now living in Choam Khsant <in Preah Vihear province. I neither
24 met him nor knew anything. I just heard that>.

25 [13.57.40]

1 Q. What year are you referring to? <Could you tell the Court when
2 was the start and the end?>

3 A. I am referring to the period of 1975–1976. I did not know
4 whether in late 1976, or late 1977, he was sent to live in
5 Kampong Cham, and after Bun Sy, it was Ta <Sun (phonetic) called
6 Seum (phonetic)> who was the commune chief. And at that time I
7 left the commune already.

8 Q. You haven't told the Court concerning the people who were
9 working in the commune office. Could you tell the Court about the
10 members of the commune office <and their responsibilities?>

11 A. In the commune office there were only me and two messengers.
12 The two messengers would send a letter to request food or
13 vegetables from villages, and in the Commune <office> there was a
14 clerk to do the registry. And as for the clerk, he is deceased
15 <in 1979>.

16 Q. Thank you very much. Were you a member of the Commune
17 Committee at that time?

18 A. At that time I was not part of the Commune Committee. I was in
19 charge of the commune office, particularly in dealing with
20 economics, <however, the decision> to supply food for different
21 units in the communes <rested on commune chief>.

22 [14.00.22]

23 Q. Could you once again tell me the composition of the Commune
24 Committee? Perhaps there was a head of the Commune Committee,
25 there was a secretary or there was a clerk? Could you tell the

1 names <and the positions> of those who were in the Commune
2 Committee?

3 A. Thank you. Bun Sy was the head of the commune. And as for the
4 deputy, I did not know her surname. Her first name was <Mrs.
5 Thoeun> (phonetic). And <Tuy> Teav (phonetic) was the member. Ta
6 Chhoeun (phonetic) was also a member. And the clerk who wrote the
7 report was Mr. <Youv> (phonetic). He was deceased already. <Youv>
8 (phonetic) was not the member of the Commune Committee. He was
9 the clerk, dealing with the reports.

10 Q. Did <>your work dealing with the military affairs of the
11 commune office?

12 A. As I have stated, I was a soldier engaging in the battlefield
13 in Takeo, and that was in 1973. And later on, I became ill and I
14 contracted malaria, and then I was transferred to work at the
15 Nhaeng Nhang office. That happened in early or mid-1974.

16 [14.02.42]

17 Q. My question was about the commune soldiers. Were you involved
18 with the commune soldiers? <Did you use to be the chief of
19 commune soldier or any position in the commune?> I did not refer
20 to the time that you were a soldier in a <front> battlefield.

21 A. <Seng> (phonetic) was in charge of the commune soldiers, as
22 well as Chhoeun. He was the brother-in-law of <Bun> Sy. He is
23 currently living in <Neal village>, Tram Kak district.

24 Q. Let me clarify with you. So, you never worked or dealt with
25 the commune soldiers or army; is that correct?

1 MR. PRESIDENT:

2 Mr. Witness, please wait for the microphone to be operational
3 first.

4 MR. NUT NOV:

5 A. I already told you that I used to be a soldier in a
6 battlefield.

7 [14.04.07]

8 BY MR. KONG SAM ONN:

9 Q. I want you to clarify about the commune soldiers. Of course we
10 heard you talk about being a soldier in 1973 in a battlefield,
11 but I'd like to specify about the commune soldiers. Were you in
12 charge of commune soldiers' force somewhere in Takeo province?
13 <Or did you have any position in the commune soldier?>

14 MR. NUT NOV:

15 A. No, I did not while I worked at a commune.

16 Q. You were questioned by Judge Lavergne about Ta Hounh and that
17 you knew him. Did you ever work together with Ta Hounh?

18 MR. PRESIDENT:

19 Mr. Witness, please wait for the microphone to be operated first.

20 MR. NUT NOV:

21 A. At that time, Ta Hounh was chief of Leay Bour commune. And in
22 1976 or mid-1976, I was transferred to be there and I was a
23 member of the commune, and Ta Hounh was the chief. And there was
24 <Bou (phonetic)> who was his deputy.

25 [14.05.50]

1 BY MR. KONG SAM ONN:

2 Q. In your capacity as a member of that Commune Committee, what
3 was your responsibility?

4 A. As a member, I was assigned to deal with the dry season
5 farming at the Kampong <Youl, Tuol Sangkae>. And that was in
6 Treang district. I was also assigned to dig canals with other
7 workers.

8 Q. Did you have any specific responsibility? For example, as a
9 member of the committee, you were assigned to be in charge of
10 <culture>, or economics, or military affairs? Can you tell the
11 Court about <your specific responsibility as a member of commune
12 committee with Ta Hounh>?

13 A. The chief was in charge of all -- of overall affairs, and the
14 deputy was in charge of the economics, and a member in my
15 capacity, was in charge of culture.

16 Q. <How> can you recall, or <how can> you know <>that you were
17 actually assigned to be in charge of the culture as a member of
18 the Commune Committee?

19 [14.07.40]

20 PRESIDENT:

21 Mr. Witness, please be mindful of the microphone.

22 MR. NUT NOV:

23 A. At that time, that was how it was assigned -- That is, a
24 specific duty for the chief, the deputy and the member of the
25 Commune Committee.

1 BY MR. KONG SAM ONN:

2 Q. So you were assigned in charge of culture, and what did you do
3 for that specific task or specific assignment?

4 MR. NUT NOV:

5 A. I advised each unit to teach young children. However, the
6 teaching was not formal. The intention was to teach children to
7 know how to read and to write alphabets. And it happened under a
8 house or under a tree. The teachers did not have any proper
9 qualifications, but only those who knew more than the ones they
10 taught.

11 [14.09.10]

12 BY MR. KONG SAM ONN:

13 Q. Were you the direct supervisor of teachers in Leay Bour
14 commune where you were a member and Ta Hounh was the chief, or
15 was it somebody else?

16 A. There were other teachers who were in charge. There was a
17 chief of the commune female group, <>who was directly in charge.

18 Q. And your duties, as the one who was in charge of culture? What
19 was your relationship between teachers and other cadres who dealt
20 with the cultural issue?

21 A. The relationship between the teachers and myself was that I
22 advised those teachers to try to work hard to teach <alphabets>
23 to those male and female children. And as I said earlier, when
24 those children had free time, they would go and collect cow dung
25 to make a natural fertiliser. So, it means they would engage in

1 this work for two to three hours, and attend class for one to two
2 hours.

3 [14.11.12]

4 Q. Did you receive any report on the outcome of the study of
5 those children?

6 A. Yes, I did receive a study report as they were done by those
7 teachers. At that time, teachers also received textbooks for
8 teaching.

9 Q. Since you received reports, can you tell the Court <about
10 student ability> whether by the end <of your work> those students
11 or children could read or write <in comparison to when you
12 started your work>?

13 A. Some children could read the alphabets; however, their
14 knowledge was rather limited.

15 Q. I have a general question to put to you on the principle of
16 the CPK. You actually stated that you were a candidate member of
17 the CPK and my question is the following: What principles or core
18 principles of the CPK that you learned <at that time>?

19 A. I'll respond to your questions based on what I can recollect.
20 As <a reserve> candidate member, the rights that we had were not
21 as equal as the ones who were recognized as full-rights members.
22 However, we could be in a leading position to lead people to work
23 at our base. For the full-rights members, they had the authority
24 to produce reports to the upper level -- that is, to the district
25 or to the sector level et cetera.

1 [14.13.39]

2 Q. My question is on the principle related to the policies of
3 CPK. Do you recall any major principles on those policies of the
4 CPK?

5 A. As I am now getting old, I cannot recall those principles.
6 There are only a few that I can recollect now -- that is, first,
7 to <resolve the living condition of> the people at our base;
8 second, to organize the work or the affairs inside the Party
9 properly.

10 Q. Can you elaborate a bit further on what the organization of
11 the work inside the Party rank, what do you mean by that?

12 A. <Internal principles were organized inside the Party.> This
13 implied that we had to be loyal to the CPK without straying or
14 without going offside and to strictly follow the political line
15 of the CPK.

16 [14.16.01]

17 Q. What about the food supply issue?

18 A. On this matter, at each base, we had to strive to deal with
19 the living conditions of the people and try not to encounter any
20 food shortage -- that is, to produce food sufficiently.

21 Q. This morning, at about 11.09 hours, you made a response and
22 let me quote that "the upper echelon instructed the commune level
23 to provide sufficient food to the people". On this issue -- that
24 is, the commune level was instructed to provide sufficient food
25 to the people, what measures did you take in order to ensure that

1 there was sufficient food supplied in your commune?

2 A. As I stated this morning, in Srae Ronoung communes that I took
3 charge, we organized various units; for example, a unit
4 responsible for planting vegetables and another unit to raise
5 livestock, including <chickens,> pigs and cows, and <there were>
6 cows which were raised in a <cooperative> and the cows <which
7 were put in one place>, and the economic section was assigned to
8 go and find fish as a supplementary daily food supply. And every
9 tenth day, I managed to give people meat to eat. Sometimes it was
10 pork and sometimes it was either beef or chicken. And <>almost on
11 a daily basis, the soup given to the people was that of a
12 vegetable mix with chicken.

13 [14.18.41]

14 Q. Can you also tell the Court about the food shortage in your
15 commune? What was the level of seriousness of food shortage? Was
16 it a severe food shortage, for example, or was it just a slight
17 and unnoticeable food shortage, that is based on your
18 implementation as instructed to ensure sufficient food supply for
19 the people in your commune?

20 A. Indeed, there was a food shortage, and in percentage, for
21 example, there were about 30 percentage of food shortage, as I
22 could deal with about 70 percent. Previously, Ta Khun, who was
23 the former commune chief <of Srae Ronoung>, did not raise the
24 level or percentage of food supply as well as I did during my
25 reign. <When I walked along each unit, I saw a lot of big and fat

1 pigs.>

2 And immediately, in fact, upon my arrival, I increased the food
3 supply based on the actual <food> situation <in the commune>. And
4 in fact, yes, previously they did raise livestock, but they did
5 not provide the meat from the livestock to the people in the
6 commune.

7 [14.20.37]

8 Q. You said that they did not resolve the living condition. Did
9 you mean that they raised the livestock, but did not share it
10 with the people?

11 A. Yes, that is correct.

12 Q. And can you tell the Court why the commune chief who was there
13 before you arrived did not provide pork or beef or chicken to the
14 people?

15 A. Based on my observation, their solution to the problem was
16 limited, as only very little meat was given in the soup, because
17 the soup mainly consisted of vegetables. And that's what I saw
18 and that's what I learned from people in the various units. When
19 I asked them <in each cooperative>, they said that they did not
20 have enough food to eat.

21 [14.21.59]

22 Q. So, upon your arrival to be overall in charge of the various
23 communes that were worked with; namely Leay Bour, Srae Ronoung
24 and Nhaeng Nhang, what was the feedback from the people? Did the
25 people tell you that they had sufficient food to eat or food

1 shortage remained? That is, the general feedback from the people
2 when you went there to resolve this issue.

3 A. I did not receive any feedback while I was in Nhaeng Nhang
4 commune. And in Leay Bour commune, there was quite a severe
5 shortage, because that was a former battlefield, and for that
6 reason, I tried to resolve the issue <from time to time> by
7 working <on> the dry season farming and to organize units, to
8 engage in plantation, to produce cassava, <and yam> so <they>
9 could be used to mix with rice.

10 And while I was in Srae Ronoung commune in 1978, I again resolved
11 the living condition of the people there. In fact, there was food
12 storage. At economic section of that commune, <there were foods
13 available there> but they did not distribute it to the people.
14 But by the time I went there, I distributed the food to the
15 people. That's why they liked me and they told me that Ta Khun,
16 who was the former commune chief, <was very cruel>, and wherever
17 <he> went, people <in the cooperative> would just try to get out
18 of his way.

19 [14.24.34]

20 Q. Now I'd like to move to another subject. While you were in
21 Leay Bour commune, can you tell the exact time <from the
22 beginning to the end> when you were a member of that Commune
23 Committee <with Ta Hounh>?

24 A. I was in Leay Bour commune probably from mid-1976 to
25 late-1977. And in May 1978, I was transferred to take charge of

1 Srae Ronoung commune. And further on in late-'78, I was
2 transferred to be in charge of Angk Ta Saom commune, and I was
3 there for only two months before the regime fell.

4 Q. Were you aware of delegations from the upper echelon or from
5 the Centre to visit your area, in particular to visit Leay Bour
6 commune <while you were working there>?

7 A. While I was working there, after I was assigned by Ta Mok to
8 build a huge cooperative hall, Ta Hounh, the commune chief was
9 transferred to the North Zone and Ta <Ke> replaced him. There was
10 a Chinese delegation, <Chen Yonggui>, who came to visit that
11 cooperative, and Ta San was in charge of receiving that
12 delegation.

13 [14.27.08]

14 Q. Were you aware of visits by other delegations?

15 A. No, I was not.

16 Q. In relation to document E1/253/1, which was a transcript of
17 the hearing dated 27 January 2015, at about 14.03.46 seconds, a
18 civil party who testified before this Chamber spoke about your
19 presence and you were referred to as Ta Nov, because that civil
20 party did not know your full name. The civil party also stated
21 that <you were in charge of military and you had certain
22 position>-- and let me quote:

23 Question: "You referred to Ta Nov in paragraph 25 of your
24 statement and do you know his full name and what was his
25 position?"

71

1 Answer: "His name was Ta Nov. He worked at the commune office
2 with Ta Hounh, but I do not know his full name. I only knew he
3 was known as Ta Nov. Everybody was afraid when he or she saw Ta
4 Nov. We had to work quickly because we were afraid of him as he
5 was rather cruel or strict." End of quote.

6 [14.29.48]

7 And also to add another extract -- a little bit above what I just
8 read to you -- <just two sentences above> in response to the
9 question:

10 "You also mentioned to the name of Ta Hounh. It was in fact Ta
11 Hounh. Do you know which position he held at the time?"

12 Answer: "His name was Ta Hounh and he was the commune chief who
13 was superior of Ta Nov, and Ta Nov was in charge of the commune
14 military." End of quote.

15 Can you tell the Court again whether you were in charge of the
16 military at the commune while you were a member of Ta Hounh?

17 A. While I was Ta Hounh's member, I was not in charge of the
18 military. It was Sout (phonetic) who was in charge of the
19 military affair, and I was merely a member of the Commune
20 Committee. <And I had fear, so when I saw old grandfather, I
21 always called them "Lok Ta".> Of course, people could make
22 various interpretation based on their observations. Some <>of us
23 were liked by other people; some were afraid of us, et cetera.

24 [14.31.52]

25 Q. Thank you very much. Could you clarify for the Court about the

1 <fear of the people>? <Did you have any reaction or explanation
2 regarding the activity or the treatment -- that you were acting
3 on people, which made them afraid of you>?

4 A. I always had a big voice <in an announcement> and I was normal
5 with people. However, during the meeting, I spoke very loudly and
6 I had big voice. That is why some people were afraid of me. What
7 I said was the truth, and I had loud voice, as I said.

8 Q. Thank you. Did you ever punish or reprimand people which could
9 show that you were cruel, that is why people were afraid of you
10 while you were working in Leay Bour <commune>?

11 A. I never punished or never reprimanded anyone. I had a loud
12 voice and I always encouraged people to work hard so that we
13 could solve our livelihood. Actually, as I said, I had loud
14 voice, and when I used the loudspeaker, my voice would even be
15 louder and people perhaps were afraid of me because of my voice.

16 [14.34.08]

17 Q. Thank you very much. When you were questioned by Mr. Koppe,
18 you stated that when you were in charge of the commune - when you
19 were head of the commune, you never arrested people. But when the
20 question dealt with the arrest, you said the arrests happened at
21 night time, during that time it was very quiet. Did you recall
22 your statement? And I would like to ask a question in relation to
23 this matter. Concerning the arrests at night-time, did it happen
24 when you were head of the commune <or before you became the
25 commune chief>?

1 A. I told the Court already the arrests happened during Ta Khun
2 reign. I secretly asked people and I was told that the people
3 were arrested at night-time while Ta Khun was in charge. When I
4 was transferred to Srae Ronoung, there was no arrest of people
5 for re-education.

6 [14.35.48]

7 Q. Please clarify your answer, Mr. Witness. You said that you
8 never arrested anyone for re-education. Did you want to say that
9 there were no arrests at all of people for re-education while you
10 were working in the Commune Committee in Srae Ronoung?

11 A. In Srae Ronoung commune, there were no arrests while I was in
12 the Commune Committee. When I was at Tuol <Kruos> digging the
13 canals, I knew that <> one or two <people> disappeared. At that
14 time, the unit of the district and sectors were in charge of that
15 area <in Tuol Kruos at Ou Saray commune>, and we were there to
16 dig canals, and the worksite was far away from Srae Ronoung.

17 Q. Concerning Srae Ronoung, did you know whom were <>arrested <in
18 which you were not related or it was not your order or you did
19 not join the arrest? However, were you aware of any arrest> while
20 you were working in Commune Committee?

21 A. I told the Court already, before there were arrests, but when
22 I was transferred to be in charge of that area, there were no
23 arrests.

24 [14.37.51]

25 Q. Thank you very much. I understand it well now. Could you again

1 clarify for me why was there difference between the way you
2 supervised Srae Ronoung commune and the way other people
3 supervised Srae Ronoung commune?

4 A. It depends on one's mind, because we have different minds in
5 the way we supervise. Some chiefs -- perhaps they were absolute
6 -- <and they followed "The Great Leap Forward">. And for me, I
7 was kind, I was gentle. So the methods that we supervised people
8 were different. In Srae Ronoung commune, I was in charge of
9 general tasks, so it was me who deal and engage in general tasks.
10 So, as I said, it depends on those who supervise and it depends
11 on their minds.

12 Q. Thank you very much. In relation to your testimony which you
13 have just stated now, you said that it depends on people's hearts
14 or people's mind. I would like to ask you whether there was a
15 policy from the upper echelon in relation to the administration
16 of the commune or did the communes have the authority <or
17 discretion> to supervise the commune on their own will?

18 A. There was order from the Centre to Zone to Sector to the
19 District, but some communes perhaps they did not follow the order
20 on some occasion, because the commune was close to the people and
21 if we followed whatever ordered from the top, the situation would
22 be confused. And for some matters, we would deal the matter
23 faithfully. And as I said, <many> commune chiefs <>were absolute,
24 so <we, as a leader, needed to have clear strategy to supervise
25 the people>.

1 [14.41.19]

2 Q. Thank you. In relation to your answer just now, you said there
3 was an order from the Centre. What kind of order was it? Could
4 you give me an example in relation to such an order?

5 A. The order from the top required us to supervise our commune,
6 our cooperatives. We were asked to strive to deal with the
7 situation of the people, particularly in food supplies, and we
8 were asked to produce good yields, <three tons of rice> so that
9 we could solve the livelihood of the people <by what so called
10 the year 15>. And we were also asked and required to increase the
11 population among people. Some communes which could not deal with
12 all these matters, they were accused of reluctant to follow the
13 order of the Party. <As for me, I had fear and> I was working
14 very hard <day and night. I also had meal with people>. And at
15 that time, there was the plan set for people as well when they
16 had to visit their families <who were separated because> we were
17 afraid at that time.

18 [14.43.35]

19 MR. PRESIDENT:

20 Thank you, Mr. Counsel. It is now convenient time for a short
21 break. The Chamber will have a short break from now on until 3
22 o'clock.

23 Court officer, please facilitate a proper room for this witness
24 and for the duty counsel, and also for the reserve witness. And
25 please have this witness and his duty counsel back to the

1 courtroom before 3 p.m.

2 The Court is now <in recess>.

3 (Court recesses from 1444H to 1502H)

4 MR. PRESIDENT:

5 Please be seated. The Court is now back in session, and again,

6 I'd like to hand the floor to Khieu Samphan defence to continue

7 putting question to this witness. You have the floor.

8 [15.03.12]

9 BY MR. KONG SAM ONN:

10 Thank you, Mr. President.

11 Q. And Mr. Nov, before the break, we spoke about the policies of

12 the Communist Party of Kampuchea, and that you spoke about

13 instruction or guideline of providing enough food supply to the

14 people. And now, I'd like to ask you some questions regarding the

15 different stands of the cadres -- that is, those who were at the

16 base, <especially in your commune> as in your case. And you spoke

17 briefly about that. Can you also tell the Court about the

18 administration or the stands of the cadres at each district

19 level? And did you observe any difference from one district to

20 another in terms of management or administration?

21 MR. NUT NOV:

22 A. I cannot tell you that, in particular in dealing with the

23 details of this matter in each district.

24 [15.04.38]

25 Q. If you were to compare the situation in various districts or

1 in various communes that you worked, in particular the three
2 communes that you worked. Of course, you worked with cadres at
3 the district level. Did you work with the same cadres or did you
4 work with different sets of cadres at the district level?

5 A. There were different or various people at the district level;
6 namely and initially, there was Ta Keav (phonetic) and then there
7 was Ta Chim. And still later on, there was Ta Kit and Ta San who
8 was transferred from 108. And to my recollection, <>these were
9 the individuals that I worked with at the district level.

10 Q. Did you understand their position <from one cadre to another
11 cadre> in terms of the plan implementation, for instance? If you
12 don't understand, allow me to refresh it. Here, I refer to the
13 implementation of the CPK policies <as you mentioned earlier>.

14 A. I cannot make any conclusion on that. However, from my
15 observation concerning their leadership, Ta Chim and Ta San were
16 rather strict; <people listened to them>, and they were more
17 specific on the technical issues <because they were former
18 teachers, so they were firm>. However, besides that they were
19 kind of friendly and outgoing.

20 [15.07.27]

21 Q. Also concerning the CPK policies, did you experience or were
22 you aware of any instruction that you deemed was an inappropriate
23 policy that was imposed on the commune level and that you had to
24 implement it <regarding your responsibility as commune
25 committee>?

1 A. I cannot make any conclusion on that as I was not an expert in
2 making such an assessment.

3 Q. In relation to some individuals in your commune -- that is,
4 for instance, <you worked in commune committee> at the Srae
5 Ronoung commune, and that as you stated there was no arrest or
6 people were not sent for study session, and you said that some
7 cadres were very strict in the plan implementation. And my
8 question is the following: Were they strict <because> they <were>
9 fully compliant with the implementation of the CPK policies <or
10 they did not do so>-- that is, on trying to work hard to find
11 food for the people?

12 A. It was my understanding that everybody had a different working
13 style. Some people were absolute with the CPK principles, and
14 that was in conjunction with their personal working style. And
15 sometimes what they did was in excess of the requirement of such
16 a policy, <so it depended on the mind of that individual>.

17 [15.10.10]

18 Q. I have a last question to put to you. I actually asked you a
19 question about the delegation visits, and you said that there was
20 a Chinese delegation who came to visit once. And while you were a
21 member of the Leay Bour Commune Committee, did you ever see Pol
22 Pot accompanied any delegation for the visit of Leay Bour commune
23 <or any cooperative>?

24 A. I never saw Pol Pot coming to visit <the commune>. During the
25 one delegation visit, I heard Ta San spoke about Ieng Sary.

1 Though I did not know or know the physical appearance of Ieng
2 Sary. I only heard that Ta San talked about it.

3 Q. What about Khieu Samphan? <Did> you see Khieu Samphan come to
4 visit your cooperative or Leay Bour commune with a delegation,
5 for instance?

6 MR. PRESIDENT:

7 Mr. Witness, please observe the microphone.

8 [15.12.02]

9 MR. NUT NOV:

10 A. I only heard the name of Mr. Khieu Samphan but I never met him
11 and I never saw him.

12 BY MR. KONG SAM ONN:

13 Q. Did Khieu Samphan ever visit Leay Bour commune or cooperative
14 during the time that you were a member of the Leay Bour Commune
15 Committee?

16 MR. NUT NOV:

17 A. No, he did not.

18 MR. KONG SAM ONN:

19 Mr. President, I don't have any question for this witness and I'd
20 like to cede the floor to my colleague.

21 MR. PRESIDENT:

22 And Mr. Vercken, you may proceed.

23 [15.12.58]

24 QUESTIONING BY MR. VERCKEN:

25 Thank you, Mr. President. Good afternoon, I am Mr. Khieu

1 Samphan's International Co-Lawyer, and I have a few <quick>
2 questions to ask you to complete today's work. A few moments ago,
3 you stated that the Party <called <on>> you to increase the
4 population and then to feed <that <increased> population>. And
5 <subsequently> you also talked about <people, cadres rather,> who
6 had "absolute power" <according to> the term that you used in
7 French.

8 Q. And my question is, these people who were exercising absolute
9 power, were they following the Party line in terms of the
10 <instructions> to increase the population and to nourish <that
11 population> or were they <acting> outside the Party line?

12 MR. NUT NOV:

13 A. Those who did, in fact, they adhere to the Party line. <They
14 were absolute with the Party.>

15 [15.14.12]

16 Q. Why do you say that their power was absolute? What exactly do
17 you mean when you say that?

18 A. As I stated, those people whom I say were absolute means that
19 they would carry out the full instruction imposed by the upper
20 echelon.

21 Q. What I don't really understand <however>, sir, is that if you
22 take it that the Party line was to increase the population and to
23 nourish it properly, then <ultimately such> absolute power <would
24 have been something positive>; is that <then> what you <mean by
25 that>?

1 A. Yes, that is correct.

2 Q. Mr. Witness, I would like to come back to when you took up
3 politics, so to speak. When you were interviewed in 2009 by the
4 investigators from the OCIJ, you said that you were appointed as
5 a group head by the Khmer Rouge when they reached your region
6 which they took possession of, and you were then appointed as the
7 head of the group -- I think it was a mutual assistance group.
8 I'd like you to tell us why you were chosen. Was it because you
9 already were involved in politics, <with, perhaps, an ideological
10 leaning similar to that of the Khmer Rouge?> or was there another
11 reason for which you were chosen to lead that group?

12 [15.16.48]

13 A. At that time, I was appointed a group leader. In fact, before
14 that, I did not participate in any politics of the Khmer Rouge.
15 However, at that time, 12 families were chosen -- that is, those
16 who had the ability to read or to write. And in that case, those
17 people were selected to be group leaders for the mutual
18 assistance groups.

19 Q. <Would you consider it fair -- or indeed accurate to say that
20 these> mutual assistance groups <were, in a way,> the ancestors
21 of the cooperatives?

22 A. Yes, the mutual assistance groups <existed> before the
23 establishment of the cooperatives. At that time, young people
24 became soldiers, and those who were behind <were elderly people,>
25 the mutual assistance group <was organized for them> and we still

1 had the right to own our property and land. <They had not
2 collected those properties yet and there was the mutual
3 assistance group.>

4 [15.18.27]

5 Q. So the Khmer Rouge made you the head of the group without any
6 particular reason. You were chosen without really understanding
7 why they had selected you; is that the case?

8 A. After the coup d'état to topple Prince Sihanouk, in my area
9 that I lived, the Khmer Rouge came to take control. There were no
10 longer any Lon Nol soldiers in the area. For that reason, in
11 fact, I was actually forced to be <the leader of the> groups. And
12 as I was afraid of them, I just did what I was asked to do.

13 Q. Thank you very much. So just to be absolutely clear, you don't
14 know why you were chosen to be head of that group; is that
15 correct?

16 A. Yes, that is true. I did not know. And when they arrived, they
17 just appointed me to be in that position.

18 Q. Is it true that one of the duties of the mutual assistance
19 groups was to distribute food among the population?

20 A. The mutual assistance group would share the produce <of rice>
21 that we jointly made, but we ate privately -- that is, only with
22 our family members. And people were put into three different
23 categories -- that is, depending on their strength to work. For
24 example, for the first unit or the first group, it means the full
25 force, and the second one would be with the half force and the

1 third group would be the weaker one. And the produce would be
2 shared according to this level of strength.

3 [15.21.12]

4 Q. And did you get more food when you were strong or when you
5 were weak?

6 A. Yes, that is true because the full strength group will receive
7 more rice yield. So <> the rice yield would be distributed based
8 on the actual strength of the groups.

9 Q. When you were interviewed by the Investigating Judges in 2009,
10 you referred to difficulties in sharing out the <fruits of the>
11 harvest among these mutual assistance groups, you said that this
12 system was not particularly <egalitarian>. Can you tell us why
13 this system <of sharing which you just briefly touched upon>
14 wasn't very egalitarian?

15 A. As I stated, those who were stronger, even if the numbers of
16 the group was less would receive more yield than those who had
17 less strength, although their number was more than the first
18 group. And even if in certain cases, some individuals who were at
19 full strength receive more yields, but they had their family
20 members who were younger children or who with weak strength, for
21 that reason, they could not have sufficient food for their family
22 members.

23 [15.23.35]

24 Q. <Were solutions researched> to solve these problems? And if
25 <so>, what were the <solutions, according to what you observed,

1 that were implemented concerning this distribution> inequality?

2 A. It seemed there was no solution to the problem as, at that
3 time, the war was still ongoing <with Lon Nol>.

4 MR. PRESIDENT:

5 Counsel, it seems that your line of question is out of the scope
6 of the facts put before this Chamber for discussion. Please try
7 to put questions related to the facts within the scope of this
8 trial as well as the temporal jurisdiction of 17 April 1975 to 6
9 January 1979. Thank you.

10 [15.24.59]

11 BY MR. VERCKEN:

12 That's exactly what I was going to do with my next question.

13 Q. Mr. Witness, can the establishment of the cooperatives be
14 understood as being designed to provide a solution to this
15 difficulty in equal distribution of produce that you encountered
16 in the mutual assistance groups?

17 MR. NUT NOV:

18 A. On the issue of the establishment of cooperatives, I did not
19 have a deep understanding of it, as it was organised by the upper
20 echelon, and that people <who> had <children> joining <the army
21 and they were elderly parents in the rear battlefield, so the>
22 communal dining hall <was organized for them>, so we would eat
23 jointly <and there were evacuated people from the city>, and then
24 we would be in equal status <in each family>. While we were
25 working <in> the mutual assistance groups, the sharing was not

1 even, as some families would have more food to eat while others
2 did not <because there were a lot of elderly people in their
3 family and they could not find more food>. And because we were
4 Buddhist practitioners, we had to see this point. And some people
5 could not even go and find fish because they were in the elderly
6 stage of their age.

7 [15.27.08]

8 Q. Is it true to say that once eating <became a> communal
9 <activity>, the food was distributed more fairly?

10 A. Then I saw that people had an equal chance to join the
11 communal eating. <They ate food equally.>

12 Q. So, in terms of distributing meals, it was better; is that
13 true?

14 A. If we were to compare the food that we ate -- that is,
15 privately and commonly, people had different views. Some said
16 that <>they could eat more while they ate privately. But for
17 those who had more family members, prefer the common eating. <So,
18 I cannot make a conclusion which one was better.>

19 Q. All right. <I shall> now turn to another subject which
20 <concerns> the secret agents in the commune, that is how it was
21 translated for us anyway, "secret agents" --> and the arrests
22 that were made. In your written record of interview of 2009 <this
23 term "secret agents" is used as> -- or sometimes <used to define
24 what were "security men"> but there's also the term "secret
25 agents". <Anyway, it's a rather surprising turn of phrase. Be>

1 that as it may, <I would like for you to tell> us who <were> the
2 <arrest letters sent to> when there were letters. Were these
3 letters directly <addressed> to the secret agents themselves as
4 <I believe> you yourself said in <your WRI>?

5 A. Yes, that is correct.

6 [15.30.07]

7 Q. And who were the letters from -- which authority sent <these>
8 arrest letters?

9 A. I did not see that letter. However, it was possible that the
10 letter could be sent from the district chief or from the
11 security. And this is purely my personal conclusion as I did not
12 see it personally.

13 Q. <Okay, precisely what> surprises me is that in your <first WRI
14 from> 2009, E3/5521, in <answer to> question 42, you were asked
15 how you are aware of all of these things since you <hadn't> seen
16 the actual letters, and you say - <I shall quote you directly
17 sir, answer 42>: "I knew because the <secret agents drafted
18 reports for> the commune." End of quote. And so my question is:
19 Why didn't the secret agent report to those who sent them the
20 letters rather than reporting to the commune, which was not
21 behind the original initiative?

22 A. The commune militia reported to the commune and also, they
23 made a copy and reported to the security. And that is in relation
24 to the security situation or matter that happened within the
25 commune.

1 [15.32.30]

2 Q. And security, that was the district, was it?

3 A. The security would be in charge of this matter. I did not know
4 whether they were the sector or the district. <But I just knew it
5 was in Krang Ta Chan.> Actually, the Tram Kak district was in
6 charge.

7 Q. <Very well sir>. Coming back once again to the question of
8 food, local cadres such as yourself <for example>, were you fed
9 in the same way as the rest of the <population? In the same way
10 as those> in the units, for example?

11 A. Local cadres and people were eating in the same cooperative.
12 We had the same food. During a special occasion, <such as
13 meeting>, perhaps we had surplus in relation to the food.

14 Q. And was that surplus reserved for the cadres?

15 A. Yes. The surplus was for those who were in the meeting, but
16 <>this did not happen very quite often.

17 [15.34.37]

18 Q. Did you ever hear of the existence of a black market <for>
19 food under the Khmer Rouge regime? Was there any trafficking of
20 food?

21 A. I never heard of it.

22 Q. You told this Chamber <but also in your> -- I will backtrack a
23 little, sir. <I'm being told that my> question on <the black
24 market perhaps> wasn't very clear; I'll ask it again <to be
25 sure>. During the Democratic Kampuchea regime from 1975 to 1979,

1 in the three communes in which you worked, did you ever hear of
2 the existence of some kind of trafficking or exchange <of> food?
3 <Was there any bartering of food for other commodities? Did
4 anything of that nature take place? Money was no longer
5 circulating at that time. Of that, we are aware, but was there an
6 alternative way to go about procuring food>?

7 A. I never heard of this matter.

8 [15.36.27]

9 Q. You explained to this Chamber as well as to the
10 Co-Investigating Judges' Investigators that you concealed part of
11 the surplus rice produced in your commune. And I would <like> to
12 ask you how you did it because you explained that <at the same
13 time> you had to issue reports on rice production in the
14 district. You said that you lied in those reports <that's true>
15 but <I imagine that> there must have been some kind of audit.
16 <Physically, how did you manage> to conceal <this> rice <that you
17 did not declare>?

18 A. As I told this morning, for example, we had the produce of
19 rice for a certain amount for 1,000 bags, I would report only 700
20 bags to the top, and the 300 would be kept in the barn or in the
21 warehouse. And <>the district never came to check and to verify,
22 we would keep those surplus so that people could have enough food
23 to eat. I was afraid that the upper echelon would know about the
24 surplus which I kept in the barn or in the warehouse. People in
25 my area, they were friendly <with me> and we kept <the rice yield

1 secretly and the district never came to check>, as I said, and I
2 would report only the amount that I said earlier.

3 [15.38.37]

4 Q. Yes, I understand <that fine> sir. But still in that first
5 <WRI, E3/5521 in answer to question 81>, you explain that the
6 district came to look for <the> rice after you declared the
7 quantities produced and that is why I wanted to ask this
8 question. If the districts came to look for rice in the
9 warehouses and you hid some rice <that wasn't declared in these
10 very warehouses as you have just told us>, it means that <either
11 the> districts <turned a blind eye to such practices or that they
12 were ignorant to them or that you indeed hid the rice elsewhere>.
13 Can you be more specific on how <that transpired>?

14 THE INTERPRETER:

15 The document was E3/5521.

16 MR. NUT NOV:

17 A. Later, the district and the sector came to collect the surplus
18 based on the report because they had a report and the report said
19 that certain amount could be provided <according to the number of
20 people per commune>. So the sector and the district came to
21 collect the certain amount of the rice that we kept in the
22 warehouse and search was not conducted at that time.

23 [15.40.26]

24 BY MR. VERCKEN:

25 Q. I just want to be sure that I have properly understood your

1 testimony. You're telling us that you were caught and <that in
2 the end> the sector <or> the district came to get the rice you
3 didn't declare; is that correct?

4 MR. NUT NOV:

5 A. <>I would like you to clarify your question once again because
6 I could not get it clearly.

7 Q. My question has to do with the practical method whereby you
8 concealed part of <your commune's> rice yield in order to improve
9 the living standards of your fellow inhabitants. You stated that
10 you sent <reports> to the district <and, in order to> conceal
11 part of the rice harvest, in these reports, you would declare a
12 yield that was lower than the real harvest. I asked you where you
13 kept that part of the rice yield that you did not declare. Where
14 did you keep that surplus? In fact, you stated that that surplus
15 was kept in the warehouse, but you also stated that the district
16 came to fetch the part that you declared. <It> appears to me
17 that, <when it> <came> to take the declared yield, the district
18 could observe that you were keeping a surplus <and then ask
19 questions about that surplus>. <That is why I am asking you how>
20 did you manage to conceal that surplus?

21 [15.42.51]

22 A. I would like to clarify on these points. The rice yield, as I
23 said, was kept in the warehouse in the respective cooperatives.
24 Actually, the district had <>the data in the report concerning
25 the rice yield to be provided to people <and to the sector>. So

1 the district would come to fetch only the rice yield as stated in
2 the report. The female units and the male unit would come to
3 collect <rice yield; for example, 200 tons of rice, from Srae
4 Ronoung. And the rest would be used to supply to the living
5 condition of people.>

6 Q. Very well. I fully understand your answer and I'll sum it up
7 as follows. Those who came to collect the declared quantity were
8 not concerned about <the surplus rice on the site> is that
9 correct?

10 A. They did not concern about that. They came to fetch only the
11 amount that they were asked to fetch <for each commune>.

12 Q. I have two more topics to broach with you <sir>. The first has
13 to do with the "Revolutionary Flag". What <can you tell us about
14 the> "Revolutionary Flag"? <What was it?> Did you receive it
15 often? Occasionally?

16 A. "Revolutionary Flag", I never saw it and I did not understand
17 why they had "Revolutionary Flag".

18 [15.45.28]

19 Q. <Although> you <did> not understand what its purpose was, you
20 <still understood> what it was, didn't you?

21 A. I did not know what it was either. I only knew that, <at that
22 time,> the flag was depicted with the three towers of Angkor Wat.

23 Q. I will make my question more specific, Mr. Witness, because <I
24 think there is> a mix up. When I talk of the "Revolutionary
25 Flag", I'm talking of the journal of the Khmer Rouge which bore

1 the title "Revolutionary Flag" <and I am not referring to the
2 national flag itself.> Did you know about <this journal>? Did you
3 read it? <What was it about?> Did you often receive it?

4 A. I never received the "Revolutionary Flag". I was not provided
5 with <>any copies. Perhaps the upper echelon received
6 "Revolutionary Flags". <As for me, I never read it.>

7 [15.47.02]

8 Q. My last question has to do with the subject on which questions
9 were put to you this morning. It has to do with commune
10 secretaries. This morning you explained that you yourself <were>
11 assisted by a commune secretary, and that in each commune, there
12 was a secretary. You stated that you yourself needed one because
13 you were on the worksite most of the time. <I would like to know
14 -- you explained <that among the tasks> of the commune
15 secretaries, <that drafting reports figured highly>. My question
16 is as follows: <at the end of the day when> you returned from
17 work on the worksites <on which you allegedly worked, according
18 to what you have told us,> did you have the time to <reread> all
19 those reports and to correct them before sending them to the
20 authorities who <were due> to receive them?

21 A. The reports <>were produced and drafted by the clerk. <They>
22 were never read or corrected by me. If it was said that the
23 report was correct, it would be sent to the district right away.

24 [15.48.40]

25 Q. Very well. But who cross-checked the reports to make sure they

1 were correct?

2 A. The drafter would do the verification.

3 Q. So, it is correct to say, sir, that the commune secretary <had
4 a certain degree of autonomy in terms of> the manner in which he
5 or she operated?

6 A. Yes, that is correct.

7 MR. VERCKEN:

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

9 MR. PRESIDENT:

10 Thank you, Mr. Nut Nov, for spending your valuable time to
11 provide your testimony before the Chamber as a witness for two
12 days and a half. Your testimony will contribute to finding
13 justice in this case. Your testimony comes to an end and you may
14 be excused. And you may return to your destination as you wish.
15 Please have a safe trip back home.

16 [15.50.24]

17 Court officer, <please cooperate with WESU> to facilitate and
18 send Mr. <Nut Nov> back to his residence <or anywhere he wishes
19 to go>.

20 Thank you as well for Mr. Duch Phary, the duty counsel. You may
21 not be excused because the President -- the Chamber would like to
22 put some introductory questions to the reserve witness <this
23 afternoon>.

24 You may now be excused, Mr. Witness Nut Nov.

25 Court officer, you are instructed to usher in the reserve witness

1 into the courtroom.

2 (Witness 2-TCW- 860 enters the courtroom)

3 [15.53.12]

4 QUESTIONING BY MR. PRESIDENT:

5 Good afternoon, Mr. Witness.

6 Q. What is your name?

7 MR. RIEL SON:

8 A. My name is Riel Son.

9 Q. Thank you, Mr. Riel Son. Could you tell the Court when you
10 were born?

11 Mr. Riel Son, please wait a little bit before you answer because
12 you have to wait for the microphone to be activated. Here,
13 <>there is interpretation into three languages, <and the
14 interpretation requires some time after you finish talking>, so
15 you have to wait a little bit for the microphone's activation.
16 When you see the red light on the tip of the microphone, it means
17 that the microphone is operational and you can provide your
18 answer. <Please give your answer.>

19 A. I was born on the 30th of January 1938.

20 Q. Thank you very much. Is it in 1938?

21 A. Yes, it is.

22 [15.54.45]

23 Q. Thank you, Mr. Riel Son. Where were you born?

24 A. I was born in Thum village, Srae Ronoung commune, Tram Kak
25 district, Takeo province.

1 Q. Thank you. And what is your current address?

2 A. My current address is at Prey Ta Lei village, Trapeang Thum
3 Cheung commune, Tram Kak district, Takeo province.

4 Q. What is your occupation?

5 A. I am staying at home.

6 Q. Thank you. What is your father's name and what is your
7 mother's name.

8 A. My father's name is Riel Soth, my mother's name is Keav Soy.

9 [15.56.08]

10 Q. What about your wife<'s> name and how many children do you
11 have together?

12 A. My wife's name is Ya Yoeun. I have five children together,
13 including one daughter.

14 Q. Thank you, Mr. Riel Son. Could you tell the Court <during
15 Democratic Kampuchea> from 17 April 1975 to 6 January 1979, where
16 did you live and what did you do?

17 A. In that period -- that is, from 1975 to 1979, first I worked
18 in a farm -- in a field in my homeland. And after three <or four>
19 months, I became a repair man in Tram Kak -- that is, District
20 105. Later on after one year, the district committee assigned me
21 to be a medic in the hospital of District 105. And I was the
22 <deputy> chief of the hospital <of District 105> at that time.
23 And I became a medic or the chief of the hospital until 1979.

24 Q. Thank you very much, Mr. Riel Son. The greffier made an oral
25 report this morning that to your best knowledge, none of your

1 father, mother, ascendants, children or descendants', brothers,
2 sister-in-laws or wife is admitted as a civil party in Case 002;
3 is this information correct?

4 A. Yes, that is correct.

5 [15.58.45]

6 Q. Have you taken an oath already before you are here before the
7 Chamber?

8 A. I have already taken an oath.

9 Q. Thank you, Mr. Riel Son. The Chamber would like to inform you
10 of your rights and obligations as a witness.

11 As a witness in the proceedings before the Chamber, you may
12 refuse to respond to any question or to make any comments which
13 may incriminate you. That is your right against
14 self-incrimination. This means that you may refuse to provide
15 your response or make any comment that could lead you to being
16 prosecuted. As a witness in the proceedings before the Chamber,
17 you must respond to any question by the Bench or relevant
18 Parties, except where your response or comment to those questions
19 may incriminate you, as the Chamber has just informed you of your
20 rights as a witness.

21 As a witness, you must tell the truth that you have known, heard,
22 seen, remembered, experienced or observed directly about an event
23 or occurrence relevant to the questions that the Bench or Parties
24 pose to you.

25 Do you understand your rights and obligations, Mr. Witness?

1 A. Yes, I do.

2 [16.00.48]

3 Q. Mr. Riel Son, have you ever provided statement or testimony to
4 the Investigator of the OCIJ <in the last few years? And if so,>
5 where did it take place, and how many times did you provide your
6 statements?

7 A. I gave two statements on two occasions at Trapeang Thum Cheung
8 commune, and another one at the Khmer Rouge Tribunal.

9 Q. Thank you, Mr. Riel Son. Before you are here, have you read
10 the statements which you gave to the Investigator of the OCIJ <to
11 refresh your memory>?

12 A. Yes, I have read them.

13 Q. To your recollection, to your best knowledge, <are> the
14 statements <that you read to refresh your memory correct or
15 consistent or do they> reflect with those you gave to the
16 Investigator of the OCIJ <two times in the past>?

17 A. Yes, they are <correct and>consistent with what I spoke at
18 that time.

19 [16.02.42]

20 MR. PRESIDENT:

21 Thank you very much, Mr. Riel Son. It is now convenient time for
22 the adjournment. The Court <will adjourn the hearings today now,
23 and it> will resume the hearing of your testimony tomorrow. And
24 <tomorrow the Chamber will hear the testimony of Mr. Riel Son,
25 and> the International Co-Prosecutor will start the line of

1 questioning <before other parties in this case>. The Court
2 proceedings tomorrow will begin at 9.00 a.m. Please be informed.
3 Thank you very much, Mr. Riel Son. The Chamber <>has just heard
4 the introductory question concerning your background <>and you
5 have not yet been questioned by Parties or by the Bench, and you
6 are invited to be here in the courtroom before 9.00 a.m.

7 tomorrow.

8 And for duty counsel, you are also invited to be here before 9.00
9 a.m.

10 ,<The> Court officer <with the WESU unit>, you are instructed to
11 bring this witness <>back to their destination as they wish to go
12 and bring <him together with the duty counsel> back before 9.00
13 a.m. tomorrow.

14 Security personnel are instructed to bring Mr. Nuon Chea and
15 Khieu Samphan back to the detention facility <of ECCC> and have
16 them returned tomorrow before 9.00 a.m.

17 The Court is now adjourned.

18 (Court adjourns at 1604H)

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