



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 November 2016

Trial Day 484



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

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KHIEU Samphan

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I N D E X

Mr. SENG Lytheng (2-TCW-897)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Ms. KHEAV Neab (2-TCCP-258)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Lytheng (2-TCW-897)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber hears testimony of a witness, 2-TCW-897. We

6 also have a reserve witness, 2-TCCP-258, today.

7 Ms. Chea Sivhoang, please report the attendance of the parties

8 and other individuals <for> today's proceedings.

9 THE GREFFIER:

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

11 are present.

12 Mr. Nuon Chea is present in the holding cell downstairs. He has

13 waived his right to be present in the courtroom. The waiver has

14 been delivered to the greffier.

15 The witness who is to testify today, namely, 2-TCW-897, confirms

16 that, to the best of his ability, he has no relationship by blood

17 or by law to any of the two accused, that is, Nuon Chea and Khieu

18 Samphan, nor to any of the civil parties admitted in this case.

19 The witness took an oath before the Iron Club Statue this

20 morning, and he has Mr. Mam Rithea as his duty counsel. Both are

21 ready to be called by the Chamber. Thank you.

22 [09.03.39]

23 MR. PRESIDENT:

24 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the

25 request by Nuon Chea.

2

1 The Chamber has received a waiver from Nuon Chea, dated 29
2 November 2016, which states that, due to his health, that is,
3 headache, back pain, he cannot sit or concentrate for long. And
4 in order to effectively participate in future hearings, he
5 requests to waive his right to be present at the 29 November 2016
6 hearing.

7 Having seen the medical report of Nuon Chea by the duty doctor
8 for the accused at the ECCC, dated 29 November 2016, which notes
9 that, today, Nuon Chea has a constant lower back pain when he
10 sits for long and recommends that the Chamber shall grant him his
11 request so that he can follow the proceedings remotely from the
12 holding cell downstairs. Based on the above information and
13 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
14 grants Nuon Chea his request to follow today's proceedings
15 remotely from the holding cell downstairs via an audio-visual
16 means.

17 The Chamber instructs the AV Unit personnel to link the
18 proceedings to the room downstairs so that Nuon Chea can follow.
19 That applies for the whole day.

20 And before I invite the witness into the courtroom, the Chamber
21 received an email that the Defence Counsel for Khieu Samphan
22 would like to make an oral <submission> concerning the witness,
23 2-TCW-1063, that is, the <testimony of the> upcoming witness. And
24 for that reason, the Chamber hands the floor first to the defence
25 team for Khieu Samphan to make this oral submission.

1 You have the floor.

2 [09.05.58]

3 MS. GUISSÉ:

4 Thank you, Mr. President. Good morning to all of you.

5 A very brief request, indeed. We have a certain number of
6 documents in this case file related to Witness <1063>, who was a
7 civil party -- <I don't know why it was W-1063, but> who is a
8 civil party in Case File 002 and was also a party to another
9 investigation. The Chamber has granted a request <from the
10 Prosecution> to admit into evidence supplementary information,
11 the civil party statement, E3/10670, as it stands now, but in the
12 case file, we don't have a civil party application, as he filled
13 it out in the other investigation.

14 So, we have <the civil party application> in 002, but we don't
15 have the civil party document for the investigation which is
16 currently under way. <We have only one supplementary information
17 form.>

18 So I understand that this person is also a civil party in the
19 other case file for the investigation, and so there should be
20 also the civil party statement in that <other> case file. <That
21 is the document we would like to have. We have no way of knowing
22 which ERN number it would have been filed under in the other
23 case. I can only assume that it would be the Prosecution, or
24 possibly the Chamber, or possibly the civil party's lawyer in the
25 other case file who could it provide it for us. But it is part of

4

1 the earlier statements made by this civil party, so if> someone
2 else could supply us with <it>, that would assist us.

3 So I will repeat, E3/10670 is <a supplemental information form>,
4 but we don't have the civil party's statement in the other
5 investigation underway, which I believe is Case 004.

6 So that's my brief request, that we could be provided <with> this
7 document either by the civil party's lawyer in question or anyone
8 else who has access to <the other investigation>. Thank you.

9 [09.08.22]

10 MR. PRESIDENT:

11 International Deputy Co-Prosecutor, you may make an observation
12 or response to the request made by Khieu Samphan counsel.

13 MR. LYSAK:

14 Thank you, Mr. President.

15 Well, certainly someone from our office will check into that also
16 right away.

17 Often -- I can tell you that, often, the civil party applications
18 that are filed in the other cases are literally -- they just take
19 the exact same papers that were filed in their Case 002 civil
20 party application and just refile them in the other case. That is
21 often what takes -- I don't know whether that is what took place
22 here, but someone in our office will check and see whether the
23 civil party application in the other case is in any way different
24 or whether it's the identical document.

25 [09.09.24]

1 MR. PRESIDENT:

2 And what about the Lead Co-Lawyers for civil parties?

3 MS. GUIRAUD:

4 Thank you, Mr. President.

5 We are in the same situation as the Khieu Samphan Defence. We do
6 not have access to the documents in Case File 004. We take note
7 of what the Co-Prosecutor will be verifying, if there is a
8 similar document in Case 004 for the civil party, which is
9 similar< -- or not -- >to the one we have in Case 002, so we very
10 much welcome the Co-Prosecutor's offer to verify that.

11 MR. PRESIDENT:

12 And what about the Defence Counsel for Nuon Chea? Do you wish to
13 make any observation or to respond to that submission?

14 MR. KOPPE:

15 No, thank you, Mr. President.

16 [09.10.28]

17 MR. PRESIDENT:

18 Thank you for the remarks made by the parties. And the Chamber
19 will consider this <matter> and issue our decision in due course,
20 that is, prior to hearing the testimony of Witness <2-TCW-1063>.
21 And we do not know that this person was a civil party <2-TCCP>
22 because in the document that I have, this witness is summoned as
23 a witness and not as a civil party. And for that reason, I will
24 look further into this matter.

25 Court officer, please usher the witness and the duty counsel into

6

1 the courtroom.

2 (Witness enters the courtroom)

3 [09.12.47]

4 QUESTIONING BY THE PRESIDENT:

5 Q. Good morning, Mr. Witness. What is your name?

6 MR. SENG LYTHENG:

7 A. My name is Seng Lytheng.

8 Q. Thank you, Mr. Seng Lytheng. And do you recall when you were
9 born?

10 (Short pause)

11 [09.13.34]

12 BY THE PRESIDENT:

13 Allow me to remind you that when you see the red light on the tip
14 of the microphone, it means that you can speak so that your voice
15 will go through the systems to the parties and, in particular, it
16 will go through to the interpreters, so that it can be
17 interpreted into English and French.

18 And after a question put to you, please leave a slight pause so
19 that you can prepare yourself before you can respond and, at the
20 same time, that is to allow the microphone to be operational. And
21 there needs to be a slight pause between question and answer
22 session, that is, to ease the interpreters <to perform accurate
23 interpretation>.

24 And Witness, do you know when you were born?

25 [09.14.34]

1 A. I was born on 17 July 1946.

2 Q. And where were you born?

3 A. I was born at Preaek Sbov village, Kampong Svay sub-district,
4 Kampong Svay district, Kampong Thom province.

5 Q. Where is your current address?

6 A. At present, I live at O Ta Prang village, Pailin sub-district,
7 Pailin district, Pailin province.

8 Q. And what is your current occupation?

9 A. I <work> in the plantation.

10 [09.15.47]

11 Q. What are the names of your parents?

12 A. My father is Lot Seng and my mother is Lim Hup.

13 Q. What is the name of your wife, and how many children do you
14 have?

15 A. My wife is Tep Khon, and we have three children.

16 Q. Thank you, Mr. Seng Lytheng. The greffier made an oral report
17 that you are not related by blood or by law to any of the two
18 accused, that is, Nuon Chea and Khieu Samphan, or to any of the
19 civil parties admitted in this case. Is that information correct?

20 A. Yes, it is correct.

21 Q. Have you taken an oath according to your religious belief
22 before the Iron Club Statue this morning?

23 A. Yes, I have.

24 [09.17.11]

25 Q. The Chamber would like now to inform you of your rights and

1 obligations as a witness.

2 And Mr. Lytheng, regarding your rights, as a witness in the
3 proceedings before the Chamber, you may refuse to respond to any
4 question or to make any comment which may incriminate you. That
5 is your right against self-incrimination.

6 Your obligations. As a witness in the proceedings before the
7 Chamber, you must respond to any questions by the Bench or
8 relevant parties except where your response or comments to those
9 questions may incriminate you, as the Chamber has just informed
10 you of your right as a witness. You must tell the truth that you
11 have known, heard, seen, remembered, experienced or observed
12 directly about an event or occurrence relevant to the questions
13 that the Bench or parties pose to you.

14 And Mr. Witness, have you been interviewed by investigators from
15 the Office of the Co-Investigating Judges? If so, how many times,
16 when and where?

17 [09.18.33]

18 A. I was interviewed once in Pailin.

19 Q. And do you recall the date of that interview?

20 A. It was in April 2004.

21 Q. The ECCC was not yet established in 2004, so please tell the
22 Chamber whether you were interviewed in 2004 by staff from this
23 ECCC or whether they were staff from DC-Cam.

24 A. I do not recall that. However, I remember that I was
25 interviewed once in Pailin.

1 Q. <The date is not correct.> Please try to recall the year,
2 besides 2004, because this Tribunal was not established in 2004.
3 And indeed, it <started> in 2006.

4 A. I cannot recall the year.

5 Q. And have you read or reviewed the written record of your
6 interview with ECCC staff in order to refresh your memory?

7 A. I have read it, but <> the year <itself appears incorrect.>

8 Q. That is all right. And you said you have read your written
9 record of your interview. And please tell the Chamber, to the
10 best of your knowledge, whether your written record of your
11 interview that you made with ECCC staff in Pailin is consistent
12 with what you actually said to the ECCC staff back then.

13 [09.21.30]

14 A. Yes, it is correct.

15 Q. Sitting next to you is your duty counsel that the Chamber
16 provides you through WESU per your request.

17 And pursuant to Rule 91 bis of the ECCC Internal Rules, the
18 Chamber hands the floor first to the Co-Prosecutors before other
19 parties. And the combined time for the Co-Prosecutors and the
20 Lead Co-Lawyers are two Court sessions.

21 You have the floor.

22 [09.22.23]

23 QUESTIONING BY MR. LYSAK:

24 Thank you, Mr. President. Good morning, Your Honours, counsel,
25 Mr. Witness.

10

1 Q. I'll be asking you some questions this morning on behalf of
2 the Co-Prosecutors, and I'd like to start, if you could tell the
3 Court whether you were related to Pol Pot, whose original name
4 was Saloth Sar, and, if so, how were you related to him?

5 MR. SENG LYTHENG:

6 A. I am Pol Pot's nephew.

7 Q. And is it correct that your father was the elder brother of
8 Pol Pot?

9 A. Yes, that is correct.

10 Q. Are you also related to a person who has testified in this
11 courtroom in the previous trial, the first trial against these
12 Accused, a person named Saloth Ban, alias So Hong? Are you
13 related to him?

14 A. So Hong is my elder brother.

15 Q. Can you tell the Court when, that is, what year, you first
16 joined the Khmer Rouge revolution and who introduced you to the
17 revolution?

18 A. I joined the revolutionary movement in 1970.

19 Q. Did you become a member of the Party and, if so, when?

20 [09.25.12]

21 A. No, I did not become a Party member.

22 Q. What did you do when you first joined the revolutionary
23 movement in 1970?

24 A. In 1970, I was a soldier.

25 Q. And were you a soldier in a particular organization, a

11

1 particular zone army, sector army, district army? Can you
2 identify for us what part of the military you joined in 1970?

3 A. In 1970, I was in the Vietnamese Army. I was simply a
4 combatant. I did not hold any rank.

5 Q. You said the same thing in your OCIJ statement that I wanted
6 to just get some clarification.

7 When you say you were part of the Vietnamese Army, were you
8 actually part of a Vietnamese Army unit, battalion or were you
9 part of a Khmer Rouge military unit that was fighting with the
10 Vietnamese? Can you clarify that for us?

11 [09.27.14]

12 A. It was the Vietnamese Army, and they joined the resistance
13 <against> the Lon Nol regime.

14 Q. At any time, were you part of the North Zone army that was
15 commanded by Ke Pauk?

16 A. In 1973, I returned to join the army in <provinces of> the
17 North Zone.

18 Q. And how long were you part of the army in the North Zone?

19 A. I was there for a bit over three years.

20 Q. When you were a soldier in the Vietnamese Army, where were you
21 located? Where were you stationed during that period of time?

22 A. Mostly at the time, we were stationed in Kampong Thom province
23 as well as in Siem Reap province to provide protection for Angkor
24 Wat.

25 Q. And let me turn to the position that you talk about the most

12

1 in your interview.

2 When was it that you were first assigned to work as a guard or
3 messenger for the Khmer Rouge leaders?

4 [09.30.17]

5 A. After I got wounded, I could no longer <serve> as a soldier,
6 so I was reassigned to the guard unit.

7 Q. Do you remember what year it was when you were injured and
8 reassigned to the guard unit?

9 A. It <> happened in 1974, although I am not really clear about
10 the year.

11 Q. Thank you for qualifying that. In 1974 or whenever it was you
12 were assigned to the guard unit, where were you located? Where
13 was it that you worked in this guard unit?

14 A. It was in <vicinity of> Chamkar Leu in Kampong Cham province.

15 Q. And what leaders were based at the place where you worked in
16 this guard unit?

17 A. The leaders in charge of that place were Pol Pot, Nuon Chea,
18 Ieng Sary, Khieu Samphan.

19 [09.32.35]

20 Q. And you said that this was in Chamkar Leu. Do you remember a
21 Party base or headquarters that was located near the Stueng
22 Chinit River around the border of Kampong Thom and Kampong Cham
23 provinces? Is that the area that you were located in when you
24 were guarding these leaders, somewhere near the Chinit River near
25 the border of Kampong Thom and Kampong Cham?

1 A. I cannot recall it clearly about the exact location of the
2 headquarter.

3 Q. Do you remember whether that location, the headquarters, had a
4 -- had a name, a code name, and if so, what was its name? What
5 was the name of the office or the base where these leaders were
6 located in 1974?

7 A. There was no code or name for it. I'm not aware of it.

8 Q. And still speaking of 1974, this location where you were
9 working in a guard unit for the top leaders, was your brother, So
10 Hong, was he located at the same -- at the same location, the
11 same headquarters at that time?

12 A. Yes, he was also there.

13 [09.34.52]

14 Q. Now, you've indicated that the leaders at this location
15 included Pol Pot, Nuon Chea and Khieu Samphan.

16 Can you tell us what you observed them doing in 1974? Did they
17 live and work together? What can you tell the Court about what
18 you observed in terms of Pol Pot, Nuon Chea and Khieu Samphan in
19 this 1974 time period, when you were first assigned to the guard
20 unit?

21 A. I did not grasp about their important affairs, but I observed
22 that they held meetings quite often.

23 Q. And who attended these meetings that you observed?

24 A. They held meetings among the four individuals.

25 [09.36.35]

14

1 Q. I want to ask you about some testimony we heard in the first
2 trial on the 30th of July 2012, from a person, a witness named
3 Phy Phuon. This is document E198.1 . And I'm going to read an
4 excerpt from 14.04 to 14.06 in the afternoon. This is what
5 witness Phy Phuon said about this period, pre-'75 period.

6 Question: "From 1971 to 1974, did Khieu Samphan and Pol Pot meet
7 frequently?"

8 Answer: "From 1971 to '74, they met rather often. There were some
9 times when they were separated because the office was located in
10 different sides but, later on, the offices were moved close to
11 one another. Then Khieu Samphan came to work in the office
12 adjacent to Pol Pot's office. And I also indicated the other day
13 that sometimes they worked together among three of them, Uncle
14 Number One, Uncle Number Two, and Khieu Samphan."

15 And then continuing in the next answer, quote:

16 "They met in the morning when they had breakfast. They had gruel
17 together, and then they started meetings from, say, 8.30 to 11.

18 And then during lunchtime, they also met. And then they had a
19 short break, and then the work would resume in the afternoon. And
20 then, following the conclusion of the day's work, they would go
21 back to their respective location and they had dinner
22 separately." End of quote.

23 Does this refresh your memory at all, Mr. Witness? Is it correct
24 that these three leaders, Pol Pot, Nuon Chea and Khieu Samphan,
25 ate and worked together on a daily basis while you were a guard

15

1 in 1974?

2 [09.39.12]

3 A. Yes, I think the statements you have raised is correct.

4 Q. I want to turn now to the period after 17 April 1975.

5 Did Pol Pot, Nuon Chea and Khieu Samphan continue to live and
6 work together after liberation, that is, after 17 April 1975 when
7 you relocated to Phnom Penh?

8 A. I cannot recall it clearly regarding their living conditions.

9 I cannot recall it clearly.

10 Q. Let me ask you -- why don't we start with a more general
11 question, then.

12 Can you tell us where you went and what you did after liberation,
13 after the Khmer Rouge took control of Phnom Penh on 17 April
14 1975?

15 [09.40.48]

16 A. When Phnom Penh was liberated<, my workplace was not fixed>.

17 Initially, I was at the Ministry of <Foreign Affairs, supervising
18 all embassies from all countries, and managing Chinese workers.>

19 Then was relocated to <another> location <but within the same>

20 Ministry of Foreign Affairs. And I was in the section for

21 receiving guests, so <my work was not fixed>.

22 Q. When you were initially at the Ministry of Defence and then

23 sent to a location near the Chinese Embassy, what were you doing?

24 What was your assignment or work during that period?

25 <>

1 MR. SENG LYTHENG:

2 A. Over there, I was facilitating <> relations between <Chinese>
3 and Cambodian <foreign affairs>, <and I> also <> facilitated
4 <Chinese workers in their trips to various provinces>.

5 [09.42.45]

6 BY MR. LYSAK:

7 Q. Was there a period, point, when you were assigned once again
8 to work as a guard for the leaders at an office known as K-1 and,
9 if so, when -- when was it, after 17 April 1975, that you were
10 assigned to work as a guard at K-1?

11 A. After I left the Ministry of Foreign Affairs, I went to K-1
12 and I worked as a guard. It was in 1993 or 1994.

13 Q. Let me -- I'm sorry. I don't know whether it was a translation
14 issue. The translator in English said 1993 or 1994. We're talking
15 about the Khmer Rouge period. They were in power from April 1975
16 to January 1979. Let me ask you this way. About how many months
17 after liberation -- how many months after April -- 17 April 1975
18 was it that you were assigned to be a guard at K-1 office?

19 [09.44.00]

20 A. I cannot recall it clearly about the exact date.

21 Q. Can you give us a rough -- approximate estimate of how long
22 you worked at the Ministry of Foreign Affairs before you were
23 assigned to K-1 as a guard?

24 A. It was around 1978.

25 Q. Let me read to you, Mr. Witness, from your OCIJ interview.

17

1 This is document E3/462, E3/462; Khmer, ERN 00204024; English,
2 00223563; and French, 00491959. This is what you said in your
3 interview back in 2007.

4 Question: "When Phnom Penh fell on 17 April 1975, where were you
5 and what were you doing?"

6 Answer: "In 1975, I was in the leadership unit as both a
7 messenger, courier and guard for the leadership."

8 Question: "What does leadership unit mean? Was that an office?"

9 Answer: "It was the site of the leadership. I don't remember what
10 office it was, but I was a guard for all of that office.

11 Ordinarily, in an office there is an office guard unit guarding
12 all the leaders, including Pol Pot and Khieu Samphan. Nuon Chea
13 and Ieng Sary were there as well. There were those four."

14 [09.47.44]

15 And then you continue:

16 "Before 1975, I was in Chamkar Leu. After 1975, I was in that
17 same guard unit, but in Phnom Penh in the vicinity of the Tonle
18 Bassac row house in which those leaders lived. The leaders were
19 in different rooms in the same row house. That office was called
20 Office K-1. My duties then were still those of a guard and
21 messenger." End of quote.

22 Is this testimony correct, Mr. Witness? Is it correct as you told
23 OCIJ, that you worked as a guard and messenger for the leaders at
24 K-1 beginning in 1975?

25 A. As I told you earlier, that before I went to K-1, I worked in

18

1 a section that was part of the Ministry of Foreign Affairs. I was
2 responsible for receiving <Chinese diplomates and technicians.
3 Besides that, I was sent to work at the reception office, and I
4 was sent further to K-1>.

5 [09.49.30]

6 Q. I understand. There is nothing in your OCIJ interview about
7 having worked at the Ministry of Foreign Affairs, but I
8 understand.

9 My question to you is, was it a short time that you worked at the
10 Ministry of Foreign Affairs so that you were -- began working at
11 K-1 sometime in 1975 or did you work at the Ministry of Foreign
12 Affairs for a longer period of time, a number of years?

13 A. I worked at the Ministry of Foreign Affairs for a while, for a
14 short while. Then I was sent to K-1.

15 Q. And when you were sent to K-1 and when you worked there as a
16 guard and messenger, who were the leaders who you saw who lived
17 or worked there on a daily basis?

18 A. K-1's leaders included Pol Pot, Nuon Chea, Khieu Samphan and
19 Ieng Sary.

20 Q. And can you describe for the Court where K-1 was located?

21 Where -- what was the location? Where was the K-1 office in Phnom
22 Penh where you worked as a guard and messenger?

23 A. It <> was located at the building at the -- current <>
24 building in Tonle Bassac area.

25 [09.52.02]

19

1 Q. Do you remember -- in addition to K-1, do you remember another
2 office or another location that was used by the same leaders that
3 was called K-3?

4 A. No, I have never heard of this name.

5 Q. Let me read to you an excerpt from an interview given by Khieu
6 Samphan to the Office of Co-Investigating Judges on the subject
7 to see if it refreshes your memory. This is interview E3/37,
8 E3/37; Khmer, ERN 00156676 through 677; English, 00156755;
9 French, 00156682 through 683.

10 This is what Khieu Samphan told the Co-Investigating Judges.

11 [09.53.32]

12 Question: "What does the reference to K-1 and K-3 mean?"

13 Answer: "It refers to the place of living or place of work of the
14 Standing Committee members. K-1 was on the Tonle Bassac
15 riverfront south of the National Theatre building. K-3 office was
16 located just behind the Royal Palace. It can be identified as a
17 group of houses, which were delineated by Pasteur Street and
18 Kampuchea Krom Street, Dr. Hann Street and another parallel road.
19 As for myself, I lived in K-3 after I had stayed at K-1 for two
20 or three months after we moved from the Silver Pagoda in the
21 Royal Palace. In fact, most of the leaders lived in K-3, Ieng
22 Sary, Son Sen, Nuon Chea. As for Pol Pot, once in a while he
23 stayed in K-3 because he had to be careful and cautious all the
24 time. It was not uncommon for him to change his house from one
25 place to another. He also lived in K-1." End of quote.

20

1 Does that -- I realize we're talking about a long time ago, Mr.
2 Witness. Do you remember this location that was west of the Royal
3 Palace where there were houses where the -- which the leaders
4 used for residences and work offices? Do you remember that
5 location?

6 A. No, I was not familiar with those locations.

7 [09.55.33]

8 Q. So I will focus my questions with you on the K-1 location that
9 was near the Tonle Bassac riverfront.

10 You've indicated that the leaders who you saw living or working
11 there were Pol Pot, Nuon Chea, Khieu Samphan and Ieng Sary. Were
12 there any other leaders in addition to those four who you
13 regularly saw at K-1?

14 A. Besides the four individuals, sometimes I saw the zone
15 <committees> come to visit, but it was occasional.

16 Q. What about Son Sen? Did you know who Son Sen was, and did you
17 see him at K-1?

18 A. I never saw Son Sen at K-1.

19 [09.57.09]

20 Q. How many other people -- how many people in total worked as
21 guards or messengers at the K-1 office?

22 A. I cannot tell you about the exact number, but I can tell you
23 about the estimated number. <There were> around 20 individuals
24 <within that premise>, but there were also guards outside the
25 perimeters whose number I cannot remember.

21

1 Q. And do I understand correctly from your answer that you were
2 one of the guards who worked inside the compound?

3 A. Yes, I was inside the compound.

4 Q. Are you able to read, Mr. Witness?

5 A. Yes, I can read in Khmer.

6 Q. Mr. President, with your leave, I'd like to provide to the
7 witness a document that's in evidence, E3/858, E3/858, which is a
8 list of people who worked at the K offices, including K-1 and
9 K-3.

10 With your leave, may I provide this to the witness?

11 MR. PRESIDENT:

12 Yes, your request is granted.

13 [09.59.39]

14 BY MR. LYSAK:

15 Q. Mr. Witness, the initial two pages of this document, E3/858,
16 contain, first a list of people who worked at K-1 and then a
17 group of people who worked at K-3. And I want to start with the
18 16 people who are listed under K-1. I've highlighted some of the
19 names that I'm going to ask you about to make it easy for you,
20 but the first name I want to ask you about on the K-1 list is
21 number 5 on that list, which is Theng , alias Poul.

22 Is that you, Mr. Witness? Was Poul another name you used during
23 the -- during the regime?

24 MR. SENG LYTHENG:

25 A. At that time, I was known as Poul. Theng was a later name.

1 [10.00.56]

2 Q. Now, in this list, this list of people from the K-1 office,
3 you're described as a writing assistant.

4 Is that one of the functions that you performed at K-1 and, if
5 so, can you explain what you did to the Court as a writing
6 assistant?

7 A. I was not an assistant.

8 Q. Perhaps there's a translation error here of some sort.

9 Is it correct that you did not help -- while you worked at K-1,
10 you didn't help write documents, but perhaps you were involved in
11 helping to deliver documents? Is it correct that you -- one of
12 your tasks at K-1 was to help deliver documents sent from K-1?

13 A. No, I did not have that specific duty.

14 MR. PRESIDENT:

15 I think there is probably a misunderstanding, the term of
16 "<chaek> chai" (phonetic) or distribution <was beyond the
17 distribution of messages or documents>. And in term of capacity
18 as a messenger, it means you deliver messages, but the Khmer term
19 "<chaek> chai" (phonetic) <is broader>. It could have a wider
20 scope than the capacity of a messenger. <Therefore, please
21 clarify the meaning of the terms because they might cause
22 misunderstanding.>

23 [10.02.58]

24 BY MR. LYSAK:

25 Thank you, Mr. President. I suspected that the English -- there

1 was a problem with the English translation.

2 Q. We'll come back and talk about your specific tasks in a little
3 bit. Let me continue with some of the other names on the list, if
4 you could look at the list again.

5 The first person in the list for K-1, number 1, is a person named
6 Lin, who is identified as the joint chairman for Offices K-1
7 through K-4, and who was married. His wife's name was Sem, a
8 woman who has testified previously in this Court.

9 Do you remember a person named Lin? He also used the name Khan,
10 who was the deputy of Pang?

11 [10.04.10]

12 MR. SENG LYTHENG:

13 A. Yes, I know <Lin>, though it is not that clear to me. However,
14 the other name on the list is Tan, and not Kan. <> Tan <is the
15 correct name>, I know him. But for Lin, <I did not know> that
16 name<>.

17 Q. All right. Tan is number 2 on the list for K-1. Can you tell
18 us what Tan's role was at K-1?

19 A. These <names> were the inside guards, so they were all guards.
20 They performed the same role as I did.

21 Q. Now, going back to the description of -- for Lin, number 1 on
22 the list for K-1, after identifying his wife, the document says,
23 "Pang arranged the marriage." End of quote.

24 Do you remember marriages being arranged by Pang at the K-1 or
25 other K offices?

1 A. I was not aware of the arrangement for Lin to get married. I
2 did not know as when it happened.

3 Q. Did -- were you married during the Khmer Rouge regime and, if
4 so, can you tell us how your marriage came about?

5 A. I got married <once as the marriage resulted from my love>.

6 [10.06.57]

7 Q. And when you say you were married previously, do I understand
8 that you were married before you relocated to Phnom Penh in 1975,
9 or was it after you came to Phnom Penh in 1975 that you married?

10 A. I got married when I was at K-1.

11 Q. Who is the woman who you married, and how did you know her?

12 A. We were introduced to each other, and we then liked each other
13 and that we could become a husband and wife. And for that reason,
14 the marriage arrangement was made for us.

15 Q. Was your wife someone who also worked at K-1?

16 A. No, she was not at K-1. She worked at the Ministry of Social
17 Affairs and Health.

18 [10.08.54]

19 Q. Then who was it that introduced you to her?

20 A. It was the chief, and in fact, it was Ieng Thirith who
21 introduced us.

22 Q. And my last question on the subject of your marriage, how long
23 was it after you were first introduced that you were married, and
24 who conducted your marriage?

25 A. We got married and became husband and wife until we left Phnom

1 Penh. And the marriage was organized for us by the guard unit.

2 Q. And who was it that presided over your marriage? Who conducted
3 the marriage?

4 A. It was not a major event, and other guards <who served in the
5 same unit> participated in the event.

6 Q. Were there other guards who were married at the same time as
7 you and, if so, how many other couples were married at the same
8 time?

9 A. No, we were the only couple.

10 Q. And I never got an answer to one of the questions I asked you,
11 which was how long was it after you were introduced that you were
12 married; how many days, how many weeks, how many months? Can you
13 tell us?

14 A. After my wife and I consented to the marriage, it <was> about
15 a week after that, then the marriage was arranged.

16 [10.12.17]

17 Q. All right. Let's go back to the list of people at K-1. I have
18 a few more names to ask you about.

19 Number 3 on the list of people from K-1 in document E3/858 is a
20 person named Sin, who is described as "chairman of the guard when
21 Uncle travels".

22 Do you remember this person, and can you tell us what his
23 function was at K-1?

24 A. Regarding the <duties of> guards at K-1, they were under the
25 supervision of Pang. As for Sin, he was not a chairperson nor a

26

1 deputy because we all received orders from Pang.

2 Q. Thank you for that clarification. And number 9 on the list of
3 people at K-1 is, if you look at number 9, is Laing, who is
4 described as "Uncle's driver from Kuleaen district, Sector 103",
5 which I believe is Preah Vihear or Siem Reap.

6 Is Laing -- in your OCIJ interview, you talked about a person
7 named Laing who was Pol Pot's driver. Is this -- is this the
8 Laing who you have identified as Pol Pot's driver?

9 [10.14.35]

10 A. Yes, that is the name.

11 Q. Okay. Let me move on to the -- the next group of people on
12 this list are people from the K-3 office, and I have a few
13 questions for you. If you look at the next group of people after
14 the 16 from K-1 --

15 MR. PRESIDENT:

16 It is now appropriate time for a short break. The Chamber takes a
17 break now and resume at 10.30.

18 Court officer, please assist the witness during the break <> and
19 invite him as well as his duty counsel back into the courtroom at
20 10.30.

21 The Court is now in recess.

22 (Court recesses from 1015H to 1031H)

23 MR. PRESIDENT:

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

25 And I give the floor to the International Deputy Co-Prosecutor to

1 continue putting questions to the witness.

2 BY MR. LYSAK:

3 Thank you, Mr. President. First let me just respond to the
4 inquiry that was made by Khieu Samphan's counsel earlier.

5 We did check and, indeed, as I have indicated, the civil party
6 application of this upcoming witness that was filed in the other
7 case is identical to the Case 002 civil party application. In
8 fact, you can see the Case 002 civil party number crossed out and
9 -- the number of the witness' civil party application in Case 002
10 is D22/194, D22/194. And it's literally the exact same document.
11 It's just been crossed out. So there's no additional civil party
12 application in play.

13 [10.33.14]

14 Q. Mr. Witness, we were looking at this document listing the K
15 office personnel, E3/858, and I just had a few questions for you
16 about the section of people who worked at -- for K-3.

17 On the first page, and I've highlighted some of this, you'll see
18 under K-3 it begins with a group of four people who worked as
19 guards for Uncle Number Two. Those four people named Toeung,
20 Soth, Dan, and Ran, followed by three people who worked as guards
21 for Brother Van, the alias for Ieng Sary, then followed by three
22 people who worked as guards for Brother Hem, the alias for Khieu
23 Samphan, those three named Torn, Hoeun, and Soeun.

24 My first question, do you remember -- did you know any of these
25 people who worked as guards for Nuon Chea, Ieng Sary or Khieu

1 Samphan?

2 MR. SENG LYTHENG:

3 A. Yes, I knew all the names, but they were not guards at K-1.

4 Q. And do you remember, what was your understanding of where they
5 were located, these people who were guards for Nuon Chea, Ieng
6 Sary and Khieu Samphan?

7 [10.35.28]

8 A. At K-1, there were guards whose names listed here like Tan,
9 Sin, Sang (phonetic), <Laing> and the names listed here at K-3,
10 they were not guards at K-1. <I never saw them there.>

11 Q. Okay. Thank you. The last name I wanted to ask you about,
12 after the -- after the list of guards for Brother Hem, there's
13 also a list of guards for Brother Vorn. And then there is a list
14 of 15 names.

15 If you turn to the second page in Khmer of the document, turn to
16 the second page, number 1 listed for K-3 is a person named Samy,
17 identified as chairperson of Office K-3, and someone who was an
18 ethnic Jarai. Do you remember, did you know this person, Samy?

19 A. No, I was not familiar with this name.

20 [10.37.01]

21 Q. You stated earlier this morning that you saw zone secretaries
22 come to visit K-1. And I'm finished with the document now, so you
23 can put the -- put it aside.

24 You said this morning that you saw zone secretaries come to visit
25 K-1. Which zone secretaries do you remember seeing at K-1?

1 A. It <was> the zone committee, not zone secretaries. <Some of
2 the zone committees came> to work at K-1, and they <were
3 summoned> by Pol Pot.

4 Q. And the zone committees that you saw, which -- specifically
5 which people do you remember who came to work at K-1 from the
6 zone committees?

7 A. The zone committees who came to work included Thuch, Uncle
8 Pauk from the Southwest, Ta Mok, and So Phim.

9 Q. You referred to Thuch. Who was Thuch, and what happened to him
10 during the Democratic Kampuchea regime?

11 A. To my knowledge, <Thuch> was the North Zone committee, but I
12 did not know what happened to him.

13 Q. Was Thuch also known as Koy Thuon?

14 A. I did not know about his other names.

15 Q. And do you remember Thuch being under house arrest at K-1 for
16 a period of time in 1976?

17 [10.40.48]

18 A. I did not know.

19 Q. And you identified So Phim and Ta Mok as two of the other
20 people, zone committees, who you saw at K-1. How did you know So
21 Phim and Ta Mok?

22 A. Generally speaking, people knew the zone committees, so people
23 <who worked at that place might know> them.

24 Q. Let me ask you about some names of other zone committee
25 leaders and see if you remember them. Did you know Ros Nhim, the

30

1 secretary of the Northwest Zone committee, and did you ever see
2 Nhim at K-1?

3 A. No, I never saw him.

4 [10.42.13]

5 Q. Did you know a person named Ya who was the secretary of the
6 Northeast Zone, and did you ever see him at K-1?

7 A. No, I did not know him.

8 Q. Let me go back to something we started to -- I started to ask
9 you about earlier.

10 Did -- did your responsibilities at K-1 include working as a
11 messenger who would deliver letters from K-1 to the zones?

12 A. Talking about my messenger responsibility, I did not take
13 letters often. I took letters to So Phim's only three times. And
14 as for other zones, I never took letters there.

15 Q. Do you know who it was that normally would deliver the letters
16 to the zones? Was it other people who worked at K-1, was it
17 people who worked at the zone messenger -- I'm sorry, the
18 messenger office located in Phnom Penh? Do you know who normally
19 would deliver letters to the zones?

20 A. I did not know clearly about that regarding the delivering of
21 letters to zones, but for me, I delivered the letters to So Phim,
22 and I think it was perhaps an important affair. And because <the
23 relations between> So Phim <and Pol Pot was very close>, and
24 that's why I was trusted to deliver letters to <So Phim>.

25 [10.45.03]

31

1 Q. Who was it that gave you the letters to deliver to So Phim?

2 Who were these letters from?

3 A. I did not know who were the authors of the letters because the
4 letters were sealed, but it was Pol Pot who gave me <in person>
5 the letters <and I, myself, must> deliver <that letter>.

6 Q. And when you delivered these letters that were given to you
7 personally by Pol Pot, did you deliver them personally to So Phim
8 when you got to the East Zone?

9 A. Yes, that is correct.

10 Q. Let me just ask you one more thing about your delivering
11 letters.

12 In your OCIJ statement, E3/462; at Khmer, 00204025; at English,
13 00223564; and French, 00491960; you're describing your
14 assignments taking letters from K-1 to the zones and you said,
15 let me quote you, "Pol Pot personally gave them to me to take to
16 the zones, like to Ke Pauk and Thuch."

17 In addition, you also identified, as you testified, taking
18 letters to So Phim.

19 My question to you is: Does this refresh your memory, did -- in
20 addition to So Phim, were there occasions where you delivered
21 letters to either Thuch or to Ke Pauk?

22 [10.47.37]

23 A. No, <> I delivered letters to only So Phim who was the <East>
24 Zone committee. I never delivered letters to <Thuch and Uncle
25 Pauk> <>.

1 Q. And in regards to your delivery of letters to So Phim, was
2 this something that took place early in the regime, 1976, or in
3 the middle of the regime, 1977, or towards -- in the last year of
4 the regime, 1978; do you -- do you remember roughly when it was
5 that you were assigned to take letters to So Phim?

6 A. I cannot recall it clearly. It was, perhaps, in 1978.

7 Q. One other subject I want to cover with you; were you ever
8 assigned to guard any of the leaders when they made trips to the
9 zones and if so, can you tell the Court on what occasions you
10 went with any leaders on trips to the zones?

11 [10.49.39]

12 A. I escorted leaders to the zone, but I escorted only Pol Pot.
13 He went to <meet zone committees and to> inspect the dam
14 construction sites.

15 Q. Do you remember which dams or which areas you went to with Pol
16 Pot when he inspected these dam sites?

17 A. It was the 7 January Dam construction site in Kampong Thom
18 province and <another dam in Stoung district, also in Kampong
19 Thom province>.

20 Q. Did you ever go with Pol Pot to visit what was known as the 6
21 January Dam, which was the dam at the Chinit River on the border
22 of Kampong Cham and Kampong Thom Province; do you remember ever
23 going to that worksite with Pol Pot?

24 [10.51.30]

25 A. I escorted him to a dam worksite, but I'm not quite sure

1 whether it was 6 January Dam or 7 January Dam. It was in Kampong
2 Thom province.

3 Q. Can you tell us what -- what did Pol Pot do when he went to
4 visit the dam worksite in Kampong Thom province?

5 A. <In reality,> he went there to build good relations with
6 workers there. I did not know about the details <of the
7 discussion> because I was simply a guard.

8 Q. And did -- did Pol Pot meet with and talk to the workers when
9 he went to the -- this dam?

10 A. Yes, he went, personally, to meet them.

11 Q. Did the workers at this dam include children?

12 A. Yes, I saw some children among the workers, but their numbers
13 were not many.

14 Q. Were there militia watching the workers at the dam and if so,
15 were they armed?

16 A. Yes, I also saw some militiamen. They carried AK <> rifles.

17 [10.54.15]

18 Q. And can you tell us what -- in terms of your observations,
19 were you able to observe the condition of the workers at the
20 site; did they appear healthy; were they skinny; what can you
21 tell us about the condition of the workers at the site?

22 A. At that time, I did not pay much attention to their working
23 condition because my main responsibility was <to> guard<>, but I
24 saw people working actively. <It appeared like there was> no
25 remarkable problems among them.

1 Q. How -- how many different times did you visit a dam
2 construction site with Pol Pot; was it just once or did you do
3 this on multiple occasions?

4 A. I was his guard, so very often; I escorted him to different
5 places.

6 [10.55.59]

7 Q. Did you sometimes accompany and guard Pol Pot and Nuon Chea
8 when they would go to speak at congresses or study sessions in
9 the zones?

10 A. No, <> there were never such delivering of speeches.

11 Q. Let me see if I can refresh your memory, Mr. Witness. This is
12 from the interview you gave to OCIJ, document E3/462; Khmer, ERN
13 00204025 possibly continuing to 26; French, 00491960 continuing
14 to 61; English, 00223564. This is what you told OCIJ in your 2007
15 interview.

16 "I travelled with Pol Pot to open study sessions in the zones and
17 to look at the worksites. Pol Pot went in person. Pol Pot and
18 Nuon Chea went to the study sessions. I never saw Khieu Samphan
19 and Ieng Sary go down. The study sessions talked about plans for
20 farming; like how many hectares, the zone plans, the livelihood
21 of the people in the zones, and the espionage plans in the
22 zones."

23 And in two other parts of your interview, you also talked about
24 Nuon Chea going to the zones to open study sessions.

25 Does that refresh your memory, Mr. Witness; do you remember, now,

1 Pol Pot and Nuon Chea going to study sessions conducted in the
2 zones?

3 [10.59.06]

4 A. Regarding the opening of study sessions at zone <level>, Pol
5 Pot rarely went there; only Nuon Chea who often went out to open
6 study sessions <at different zones and sectors>. Pol Pot only
7 attended the opening of study sessions at Borei Keila <where
8 education was held>.

9 Q. And which zones did Nuon Chea go to, to open study sessions?

10 A. I did not grasp that. I did not know where he went to.

11 Q. Did -- did you -- did you or did you not accompany Nuon Chea
12 when he went to open these study sessions?

13 A. No, I <never> accompanied Nuon Chea.

14 Q. How is it, then, that you knew that Nuon Chea often went to
15 open study sessions in the zones; how did you know that?

16 [11.00.54]

17 A. Usually, when he left for a longer period of time, the main
18 possibility was for him to open study sessions <outside>; though
19 I do not know for certain as to which location he went to.

20 Q. Well, let me -- let me ask you this, Mr. Witness. In the quote
21 that I just read from your OCIJ interview, you provided specific
22 information about the subjects that were discussed at the study
23 sessions.

24 Let me read this part of your OCIJ interview again.

25 "The study sessions talked about plans for farming; like how many

1 hectares, the zone plans, the livelihood of the people in the
2 zones, the espionage plans in the zones. I can't remember the
3 details of the plans, but sometimes, they raised those points."

4 Question: "Can you speak in detail on these plans?"

5 Answer: "They just talked about the enemy and said there were
6 plans to deal with them." End of quote. And then you continue on.

7 How did you know about the subjects that were discussed at study
8 sessions; how did you know that Nuon Chea or Pol Pot talked about
9 farming, enemies, and other subjects?

10 [11.03.02]

11 A. Through <normal> study sessions, these topics were heard
12 through loudspeakers, so I could hear through those loudspeakers
13 parts of the contents of the study sessions <, because>I stood
14 guard outside, I could hear <> parts of the presentation.

15 Q. And where was it that you were standing guard outside that you
16 were able to hear parts of the study sessions over the
17 loudspeakers?

18 A. Generally speaking, <we did not guard only in> one particular
19 location; <we walked to and from at> various locations.

20 Q. And are you talking about locations in Phnom Penh or locations
21 in the provinces?

22 A. The locations of the study sessions were at the current Borei
23 Keila because it was an education school.

24 [11.04.44]

25 Q. Do I understand correctly then that when education sessions

1 were held at Borei Keila, you would stand guard outside and you
2 were able to hear some of the subjects discussed through the
3 loudspeakers; do -- do I understand correctly?

4 A. Yes, I could hear some <parts of the contents>, but not
5 everything.

6 Q. And what leaders, other than Nuon Chea, would speak at these
7 study sessions at Borei Keila?

8 A. Generally, it was only Pol Pot and Nuon Chea <> who provided
9 political study sessions.

10 Q. On the trips that you went to the provinces, did you ever go
11 to the West Zone and specifically, did you ever go to meetings
12 that were held at a coconut plantation in Chbar Mon, Kampong Speu
13 Province; do you remember that -- that location, at all, Mr.
14 Witness?

15 A. No, I never went there and the name of the location is not
16 familiar to me.

17 Q. And the -- the last subject I'd like to just ask you a few
18 questions about; did you ever go to any -- any of the large, mass
19 meetings that were held -- ceremonies that were held on occasions
20 of anniversaries; such as, the anniversary of 17 April, the
21 anniversary of the founding of the Party, large meetings held at
22 Olympic Stadium at which the leaders would speak? Did you go to
23 those events either as a guard or as someone to sit and listen to
24 the presentations?

25 [11.08.03]

1 A. In fact, I <never> attended those major events because I was
2 <busy> guarding <the> senior leaders; how could I attend such a
3 mass meeting?

4 Q. Well, if -- if Pol -- when Pol Pot or Nuon Chea went to speak
5 at these -- or Khieu Samphan to speak at these anniversary
6 events, did you come as a guard for the leaders?

7 MR. PRESIDENT:

8 Witness, please observe the microphone.

9 MR. SENG LYTHENG:

10 A. No, I did not attend such an event.

11 [11.09.02]

12 BY MR. LYSAK:

13 Q. Do you know whether some of the other guards at K-1 would be
14 assigned when Pol Pot, Nuon Chea, or Khieu Samphan would speak on
15 the occasions of these anniversaries at Olympic Stadium; who --
16 who was it that guarded them when they went to these events?

17 A. I do not know who would be assigned to such events; however,
18 usually, it was Pang who made such arrangements for guards to
19 escort leaders.

20 MR. LYSAK:

21 Okay, thank you, Mr. Witness. Thank you, Mr. President. We have
22 no further questions.

23 MR. PRESIDENT:

24 Thank you. And the floor is now given to the Lead Co-Lawyers for
25 civil parties to put questions to this witness.

1 [11.10.31]

2 QUESTIONING BY MR. PICH ANG:

3 Good morning, Mr. President, Judges, and everyone. And good
4 morning, Mr. Witness.

5 Q. I only have some questions to put to you and my first question
6 is related to a <dam> in Kampong Thom province. <Can you tell the
7 Court that> you testified that it was a 7 January Dam; do you
8 recall that if there was any river flowing through that dam;
9 namely, Stueng Chinit or Stueng Tang Krasang (phonetic)?

10 MR. SENG LYTHENG:

11 A. <> It was Stueng Chinit or Chinit river. <I may forget whether
12 it was 6 January Dam or 7 January Dam.>

13 MR. PRESIDENT:

14 Counsel Kong Sam Onn, you have the floor.

15 MR. KONG SAM ONN:

16 From my recollection, the witness said it was the 6 January Dam
17 and not the 7 January Dam.

18 [11.11.40]

19 BY MR. PICH ANG:

20 Thank you. Anyway, the witness testifies that it was at Stueng
21 Chinit.

22 Q. And Mr. Witness, are you familiar with the 1st January Dam?

23 MR. SENG LYTHENG:

24 A. <No. I never heard of it.>

25 Q. Please repeat it because I cannot clearly hear you. Are you

1 familiar with the 1st January Dam?

2 A. <No.>I did not know where the 1st January Dam is.

3 Q. In relation to the dam that you <referred> to, was it a large
4 construction worksite or was it only a feeding canal?

5 A. It was a large dam <> crossing Stueng Chinit.

6 Q. Was it made for the purpose of <storing> water; for example,
7 it was used as a water reservoir?

8 A. Yes, you could say that <because> the water <> flows <to lower
9 parts> through the river.

10 [11.13.34]

11 Q. I'd like now to ask you <in more details> about your marriage.

12 You were questioned by the Co-Prosecutors, in relation to this
13 topic already, but I have some supplementary questions to put.

14 In relation to your wife, who worked at the Ministry of Social
15 Affairs with Ieng Thirith, can you tell the Chamber her position;
16 that is, before or <when> she got married to you?

17 A. She was Ieng Thirith's cook.

18 Q. As for you, during the regime, how close were you to Ieng
19 Thirith?

20 A. I was not that close to her because she was at the social
21 affairs unit, which was far from where I was.

22 [11.15.01]

23 Q. A while ago, you stated that Ieng Thirith introduced your wife
24 to you so that you could marry her and can you tell the Chamber
25 why she made such an introduction; was she related to you or she

1 worked there and that, because of her position, she made a
2 proposal to you?

3 A. When we wanted to get married, we should make a request to our
4 respective unit; for example, in my case, it was my guard unit
5 and our unit would make such a request to other units to look for
6 any woman that would match us.

7 Q. In your case, did you propose or were you told that it was
8 time for you to get married because it had been arranged; what is
9 the case?

10 A. It could be my <desire>, but <at some> units<, they encouraged
11 people that it was time for him/her to> marry. Then we would be
12 asked about our feeling and decision and if we consent to such a
13 proposal, then the arrangement would be made.

14 Q. You stated that the unit encourage you to think about marriage
15 or family; was there any instruction from the upper levels that
16 when you reach a certain age, you had to get married?

17 A. <It was up to the> units<. When they saw that it was time for
18 people to have a family, then> then we would be asked whether we
19 wanted to get married; then they would organize the ceremony.

20 [11.18.31]

21 Q. Earlier, you said it was Ieng Thirith who introduced you and
22 your wife and can you tell the Chamber why you made the statement
23 that it was Ieng Thirith who made the introduction?

24 A. As I have just stated, when the unit considered it was time
25 for us to get married, then they made a proposal to the upper

1 level<. After they considered that,> then they would look for
2 women in other units which would match us; then the unit would
3 approach and asked us whether we liked that particular woman and
4 if we did, then the arrangement would be made.

5 Q. I'm still unclear about this. You said that unless the unit
6 introduced you, but you <linked that to the name> Ieng Thirith
7 who introduced you to that woman; so my question to you is: What
8 made you think that it was Ieng Thirith who introduced you to
9 that woman; did she write a letter or whether she told you in
10 person about that?

11 [11.20.41]

12 A. It <was the agreement between> my guard unit and the <> social
13 affairs unit <that> made a decision to select a woman, then the
14 chief of that respective unit would call that woman and informed
15 her of the arrangement because that woman was under the
16 supervision of Ieng Thirith since she was her cook.

17 Q. Was it a normal practice that it was the head of the unit who
18 made such an arrangement or who proposed such a marriage during
19 the regime; was there a policy to that effect; that is, it was
20 the responsibility of the unit's chief to arrange the marriages?

21 MR. PRESIDENT:

22 Please observe the microphone.

23 MR. SENG LYTHENG:

24 A. The units would decide <> who <> would get married and who
25 should not get married yet. <It was made also upon their

1 selection.>

2 [11.22.36]

3 Q. I still don't get a response from you. My question is whether
4 it was a normal practice that <> the unit's chief who made the
5 arrangement or whether you ever heard of a policy that it was the
6 responsibility for the unit's chief to find <>a matching pair for
7 the staff. <Was> it a normal practice or was it a policy?

8 A. I never heard of any policy that when we reached a certain
9 age, we had to get married. From my observation, they had to
10 consider our status that whether we were ready to get married.

11 Q. I only have a few more questions on the topic of marriage.
12 <Before> you were introduced by Ieng Thirith to that woman, had
13 you known her before that?

14 A. No, I had <never seen> her before.

15 [11.24.12]

16 Q. You stated that your fellow workers attended your wedding and
17 that your wife came from another unit; were there any leaders
18 from both units; that is, from yours and from her unit attended
19 your ceremony?

20 A. There were no other people from other units <>attended the
21 ceremony. Once <> the <two> units agreed, then the woman would be
22 sent to my unit for such event and there was no attendee from <>
23 the social affairs unit.

24 Q. What was the event like<? And> how was it organized?

25 A. There was <small> meal reception and there was an advice for

1 us to love one another for life.

2 Q. So you spoke about this so-called advice; do you recall in
3 detail about such advice or the reasons that you got married?

4 A. It was not a <> major advice. The advice was for us to hold
5 each other's hand and to build our life as a husband and wife and
6 to strive to work harder for the nation and the people and that's
7 it.

8 Q. This may be my last question. At the time, were you advised
9 that the newly married had to live together and to produce
10 children in order to serve the revolution?

11 A. No, <> we did not receive such advice.

12 [11.27.13]

13 MR. PICH ANG:

14 Thank you, Mr. Witness, for answering my questions. And Mr.
15 President, I conclude my session.

16 MR. PRESIDENT:

17 Thank you. It is now convenient time for our lunch break. We take
18 a break now and resume at 1.30 this afternoon to continue our
19 proceedings.

20 Court Officer, please assist the witness at the waiting room
21 reserved for witnesses during the lunch break and invite him, as
22 well as his duty counsel, back into the courtroom at 1.30 this
23 afternoon.

24 Security personnel, you are instructed to take Khieu Samphan to
25 the waiting room downstairs and have him return to attend the

45

1 proceedings this afternoon before 1.30.

2 The Court stands in recess.

3 (Court recesses from 1127H to 1131H)

4 MR. PRESIDENT:

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

6 And before I give the floor to Lead Co-Lawyer for civil party, I

7 give the floor to Judge Marc Lavergne to put questions to the

8 witness. Judge Marc Lavergne, you may proceed.

9 JUDGE LAVERGNE:

10 I didn't quite understand; I thought that the floor was given to

11 the co-lead lawyers <for the civil parties>, but I understood

12 that they had finished with their examination; did I understand

13 you well?

14 MR. PICH ANG:

15 Mr. President, I told during the morning session that my question

16 is concluded.

17 MR. PRESIDENT:

18 Yes, your question <was> concluded and your time also <expired>

19 and it's clear that I give the floor to Judge Marc Lavergne.

20 [13.33.02]

21 QUESTIONING BY JUDGE LAVERGNE:

22 Thank you, Mr. President.

23 Witness, I have a few questions to put to you and first of all, I

24 would like us to discuss your activities at the very beginning of

25 the DK period.

1 Q. You said that before you went to work at K-1, you had worked
2 at <or near> the Chinese Embassy and if I understood you well,
3 you were in charge of facilitating relations between DK and
4 China. So did I understand what you said this morning correctly?

5 MR. SENG LYTHENG:

6 A. Yes, that is correct.

7 [13.33.53]

8 Q. Can you tell us until when you worked at the Chinese Embassy;
9 was it during one month, was it for several months, or was it for
10 a year?

11 A. I cannot recall it clearly. I worked there for nearly one
12 year.

13 Q. I also believe I understood from what you said this morning,
14 that you were in charge of welcoming certain visitors and in
15 particular, Chinese visitors; is that true?

16 A. Yes, I welcomed the Chinese technicians.

17 Q. Did you also welcome Chinese senior officials? Aside from the
18 technicians, were there also high-ranking people coming from
19 China who came to visit Democratic Kampuchea?

20 A. No, never.

21 Q. I am going to speak out a few names and you will tell me if
22 these names ring a bell; Zhang Chunqiao, does that name ring a
23 bell?

24 A. No, <I cannot remember that> name <of the Chinese Ambassador>.

25 Q. What about Chen Yonggui; also known as Chen Yung-kuei and who

1 was in charge the Dazhai Co-operatives in China and who
2 sometimes, was called <Tachai> here in Cambodia; does this name
3 ring a bell?

4 [13.36.05]

5 A. I was familiar with the name Tachai.

6 Q. Do you remember if Tachai came to visit DK during a tour that
7 lasted a few weeks, during which he was accompanied by Pol Pot?

8 A. At that time, I <did not involve directly> with the visits of
9 Tachai. <Therefore, I cannot grasp it entirely.>

10 Q. Fine, last name now. What about Kang Sheng, does his name ring
11 a bell?

12 A. No, I cannot recall this name.

13 Q. Fine. You also said -- and this we see in your WRI E3/462, you
14 said that you also accompanied Pol Pot <in particular> during his
15 trips to China and to North Korea; this is at answers 13 and 18
16 of your WRI. Do you remember, indeed, having escorted Pol Pot
17 during those trips?

18 [13.38.20]

19 A. Yes, I <verily> accompanied him to the two countries.

20 Q. So when you travelled to China, did you go there once or
21 several times; do you remember where you travelled to and whom
22 you met over there?

23 A. I went about twice. I <accompanied> Pol Pot, but I did not
24 know <who> the Chinese delegates <were. I cannot recall it.>.

25 Q. Did you only go to Beijing or did you visit other cities or

1 worksites or co-operatives inside China?

2 A. Overall speaking, Pol Pot met with other Chinese <leaders>.

3 <He did not visit> any factories.

4 Q. Fine. And did you attend any meetings between Pol Pot and

5 certain Chinese leaders?

6 A. No, I did not.

7 Q. In your WRI E3/462, you also said that you accompanied Ieng

8 Sary to Vietnam. So, do you remember that and can you tell us if

9 it's <correct,> and when you went with Ieng Sary to Vietnam?

10 A. Yes, I accompanied Ta Ieng Sary to Vietnam. It was in 1978.

11 Probably, it was in 1974. We went by ship through Stung Treng.

12 [13.42.00]

13 Q. Just to make things a bit clearer, did you go to Vietnam with

14 Ieng Sary before the capture of Phnom Penh or after the <fall> of

15 Phnom Penh?

16 A. It was before. It was before the capture of Phnom Penh.

17 Q. And do you know if later on, there were delegations travelling

18 back and forth between Cambodia and Vietnam? Were they visits;

19 are you aware of that?

20 A. No, I do not know.

21 Q. Were you in charge of welcoming Western visitors and if yes,

22 do you remember the names of the people who came to visit

23 Democratic Kampuchea from the West?

24 [13.43.17]

25 A. I never received Western delegates.

1 Q. I have one last question only, which regards an answer that
2 you provided in your WRI concerning your work as a messenger.
3 This is answer 5 of document E3/462, and you say the following at
4 answer 5.

5 Question: "Did you ever see all four of them" -- so these four
6 people <were> Ieng Sary, Khieu Samphan, Nuon Chea, and Pol Pot --
7 so "did you see the four of them meeting together at that house,
8 K-1?"

9 Answer: "I saw meetings of all the zone secretaries at Office
10 K-1. <But I never saw these four leaders>. I saw So Phim from the
11 East Zone coming to meetings frequently. I <also> saw Ke Pauk and
12 Thuch. I often carried letters from K-1 to the <different> zones.
13 I knew So Phim well. I did not know about the <content of the>
14 letters sent because they were tightly sealed <in envelopes>. Pol
15 Pot <asked me to deliver them directly to the zones,
16 specifically> to Ke Pauk and Thuch. I <was> never <asked to
17 deliver> telegrams<, but I was asked to deliver other items, like
18 bottles of wine>."

19 So were you, indeed, in charge of delivering <bottles of wine> to
20 the zones?

21 A. No, it was not about distributing liquor to the zones. In
22 fact, it <was merely> the gifts or presents from Pol Pot <to the
23 zone committee>.

24 [13.45.56]

25 Q. And to whom would Pol Pot give these presents; to whom did you

1 <deliver> these gifts?

2 A. To the East Zone.

3 Q. So Pol Pot would send gifts to So Phim; is that what I must
4 understand?

5 A. Yes, to So Phim.

6 Q. What can you tell us about the relations between Pol Pot and
7 So Phim; were they on very friendly terms; were they very close
8 to each other?

9 A. In fact, both of them were close to each other. So Phim had a
10 rash on his skin and <> it was itchy and <Pol Pot was very
11 concerned about him. They> were <very> close to each other.

12 Q. <Did you notice if at one point the relationship between them
13 deteriorated>?

14 A. <>I was not aware of his internal affairs.

15 Q. Fine, thank you very much, Witness, for these clarifications.

16 I have no further questions.

17 [13.48.08]

18 MR. PRESIDENT:

19 Now, I give the floor to Defence Counsel for Nuon Chea to put
20 questions.

21 QUESTIONING BY MR. KOPPE:

22 Thank you, Mr. President.

23 Good afternoon, Mr. Witness. I'm Nuon Chea's International
24 Counsel and I would like to ask you some questions today.

25 Q. Let me start by following up something that you were asked

51

1 this morning by the Prosecution and that was when you joined the
2 revolution. You said, I believe, 1970; is it possible that that
3 was a bit earlier than 1970?

4 MR. SENG LYTHENG:

5 A. <In fact,> I joined the Vietnamese army in 1970.

6 Q. I understand, but did you join the revolution earlier than you
7 joined the Vietnamese army?

8 [13.49.44]

9 A. Before the coup, I was <part of> the secret <resistant>
10 movement<. Until> 1970, I joined the Vietnamese army.

11 Q. Were you ever arrested or sentenced to a prison term before
12 1970; in other words, arrested by the police in the Sihanouk
13 regime?

14 A. Yes, I was jailed. I was jailed for 20 years.

15 Q. And how long did you serve your sentence; how long of a period
16 were you actually in jail before 1970?

17 A. I was in the prison <> for two years and then I was <pardoned
18 by Samdech Euv or the King Father and I got released>.

19 Q. Were you and your brother close, in terms of personal
20 relations, with Pol Pot before 1970?

21 [13.52.01]

22 A. Talking about my relationship with Pol Pot in 1970, we had no
23 relationship at that time.

24 Q. Did Pol Pot, at one point in time, ask you to become a
25 photographer?

1 A. Yes.

2 Q. And -- and when was--

3 A. I was a photographer. I received the photography training
4 skill since I was in the jungle.

5 Q. When did Pol Pot ask you to become a photographer; was that in
6 the seventies, after you left the Vietnamese army?

7 A. After I left the Vietnamese army, I went to the jungle and I
8 took the opportunity there to learn photography. It was in the
9 jungle.

10 Q. How long did you train to become a photographer; how long was
11 your training in the jungle?

12 A. I learned <it> in the jungle for about one month. At that
13 time, we did not have any adequate equipment yet. <So, I just
14 learned basic photography skills.>

15 Q. At one point in time, did you also go to China to develop your
16 photography and-or filming skills?

17 A. Yes, I pursued my study in China for a while.

18 [13.54.35]

19 Q. And -- and when were you in China to study photography?

20 A. It was in 1977 that I went to study in China.

21 Q. So you went to China to study photography while you were at
22 K-1 or was it before you were at K-1?

23 A. At that time, I was still in Office K-1.

24 Q. Did Pol Pot ask you to make photos of him or photos of foreign
25 delegations; for instance, Chinese delegations that were visiting

1 Democratic Kampuchea?

2 A. Most of the times, I took photos when Chinese delegates or
3 visitors came to <work with> Pol Pot. I personally took the
4 photographs of them <on such occasion>.

5 [13.56.37]

6 Q. Maybe, I'm not 100 percent sure, Mr. Witness, but maybe I have
7 a photo of you taken during a visit of a high-ranking Chinese
8 leader.

9 Mr. President, with your leave I would like to show the photo to
10 the witness. I will also, with your leave, like to put it on the
11 screen. It is photo E3/3258. There is only one ERN which is P
12 from photo 00416558.

13 MR. PRESIDENT:

14 The Chamber grants your request.

15 And AV Unit officers, please show the photos on the screen.

16 BY MR. KOPPE:

17 Q. As I said, I'm not sure, Mr. Witness, but in the middle one
18 can see someone with a photo camera in his hand. Is that you?

19 MR. SENG LYTHENG:

20 A. No, it was not me.

21 Q. Do you know who that was?

22 [13.58.25]

23 A. I do not know this person.

24 Q. Let me turn to the two main persons depicted on this
25 photograph. Who is the person on the right?

1 A. It's Pol Pot.

2 Q. And do you know who the person on the left is, the person that
3 he is shaking hands with?

4 A. To the left is Ta Mok.

5 JUDGE FENZ:

6 Just to be clear for the record, to what is Ta Mok? I heard this
7 strange English translation to the left is Ta Mok.

8 Is the person who shakes hands with Pol Pot, Ta Mok? Is this is
9 what you are saying?

10 MR. PRESIDENT:

11 AV Unit officer, please show the photos on the screen again.

12 (Short pause)

13 [14.00.15]

14 MR. SENG LYTHENG:

15 The face of the person looks similar to Ta Mok's. <Now, I feel
16 unsure.>

17 BY MR. KOPPE:

18 Q. Before I turn to this person, is this maybe a photo that you
19 took?

20 MR. SENG LYTHENG:

21 A. No, it's not the photo that I took.

22 Q. Let me help you a little bit with who we believe the person on
23 the left could be. He looks very similar, and that's also written
24 in the case file, to a very high-ranking Chinese Standing
25 Committee member called Geng Biao. Does that somehow refresh your

1 memory, Geng Biao ?

2 A. I do not know that person. I cannot say for sure who the
3 person is.

4 Q. That's no problem, Mr. Witness. Mr. President, I would like to
5 show a few more photos to find out whether the witness might be
6 the one who actually took that photo. I would like to show now
7 with your leave, Photo E3/3250, ERN P00416551.

8 [14.02.11]

9 MR. PRESIDENT:

10 Yes, you may proceed.

11 And AV Unit, please show the photo on screen.

12 (Short pause)

13 [14.02.50]

14 BY MR. KOPPE:

15 Q. Mr. Witness, is this maybe a photo that you took?

16 MR. SENG LYTHENG:

17 A. No, it's not the photo that I took.

18 Q. Do you recognize the people who are portrayed on this photo?

19 A. I recognize Pol Pot, Nuon Chea, Ieng Sary. As for the others,
20 I do not recognize them.

21 Q. If you have a look at the person between Nuon Chea and Ieng
22 Sary, could that be So Phim?

23 A. It is possible that the person is So Phim.

24 Q. And the person left of Ieng Sary could that be Vorn Vet and
25 the next person Koy Thuon and then the person, the small person

1 on the left Phuong from the rubber plantation in the East Zone,
2 the Number 2 of the East Zone?

3 JUDGE FENZ:

4 One after the other for the record. Otherwise, we don't get an
5 answer. You asked him three.

6 BY MR. KOPPE:

7 Yes, yes; correct, one by one.

8 Q. Mr. Witness, next left, next to Ieng Sary is that Vorn Vet?

9 MR. SENG LYTHENG:

10 A. I don't really recognize these three people.

11 [14.05.33]

12 MR. KOPPE:

13 I think I have a much clearer photo of So Phim, which I would,
14 with your leave, like to show now to the witness, Mr. President,
15 and that is E3/3259.at ERN P00416559.

16 MR. PRESIDENT:

17 Yes, you may do so.

18 And again, AV Unit, please show the photo on screen and leave it
19 on the screen while the question is being asked.

20 [14.06.10]

21 BY MR. KOPPE:

22 Q. Mr. Witness, is this the same person who we see on the back
23 who we identified as Geng Biao ? The person in the middle is that
24 So Phim?

25 MR. SENG LYTHENG:

1 A. I am not sure.

2 Q. Do you know who the person left of presumably So Phim is?

3 JUDGE FENZ:

4 I think now you need to be clear of background or first row, for
5 the record.

6 BY MR. KOPPE:

7 For the record, it's the person with the krama on who is smiling
8 and talking to Geng Biao, or not talking but interacting with
9 Geng Biao. Let me ask it more general.

10 Q. Mr. Witness, do you recognize anyone on this photo?

11 MR. SENG LYTHENG:

12 A. I do not recognize people in this photo. As for So Phim, I am
13 not even sure<. His face looked not like So Phim.> I <cannot>
14 recognize him in this photo.

15 [14.07.48]

16 Q. Then there's, I think, two more photos that I would like to
17 show you and my question will only be if you were maybe the one
18 that took that photo.

19 Mr. President, with your leave I would like to show to the
20 witness E3/3--

21 MR. PRESIDENT:

22 Please hold on.

23 And International Deputy Co-Prosecutor, you have the floor.

24 MR. LYSAK:

25 Thank you, Mr. President.

1 I just ask counsel to put on the record the basis for his belief
2 that the person in the photo is Geng Biao. So all we have right
3 now is counsel testifying. If he has a basis we'd just like that
4 to be part of the record.

5 [14.08.31]

6 MR. KOPPE:

7 Yes, it's actually on the record in the Case File, E3/3479;
8 English, ERN 004442826 (sic). There is a description of the
9 person that is exactly the person that I just showed shaking
10 hands with Pol Pot. And it says, "Pol Pot greets PRC Minister of
11 Defence Geng Biao at Pochentong Airport. Ieng Sary and KR
12 photographers look on."

13 So that's the first source of our information and the second one
14 is public but that I can repeat here. He looks very similar to
15 photos on Google.

16 So we believe it's Geng Biao who visited DK between '75 to '79.

17 So Mr. President, with your leave I would like to show one or two
18 more photos to the witness.

19 MR. PRESIDENT:

20 Judge Lavergne, you have the floor.

21 [14.10.03]

22 JUDGE LAVERGNE:

23 Yes, just for purposes of clarification.

24 Counsel Koppe, can you tell us whether you know the author of the
25 title accompanying the photograph that you have just shown? It is

1 important for us to know -- is it someone who had sources himself
2 or herself<, or> what is the provenance of <this information>?

3 MR. KOPPE:

4 It doesn't say who the one is that wrote these things down. There
5 are other photos identifying other Chinese visitors but at this
6 point in time I cannot say who the author is of this particular
7 description of who it is that can be seen on the photo.

8 As I said, Mr. President, I would like to show E3/3269.

9 [14.11.21]

10 MR. PRESIDENT:

11 Please hold on, Counsel.

12 And Judge Lavergne, you have the floor.

13 JUDGE LAVERGNE:

14 Just for the purposes of clarification and for the record, <I
15 remind that> this is not a photograph <that was> published in a
16 newspaper. The annotation does not appear in a newspaper.

17 MR. KOPPE:

18 Maybe something went wrong in translation. I didn't say it was
19 from a newspaper. The only thing that I have is this document
20 that says description and then what I just said, "Pol Pot greets
21 PRC Minister of Defence Geng Biao at Pochentong Airport." That's
22 all I have. I don't know who wrote that so I didn't say it's
23 coming from a newspaper.

24 So, again with your leave, Mr. President, E3/3269, ERN at

25 P00416570. It's a photo taken at Angkor Wat.

1 MR. PRESIDENT:

2 Yes, you can do that. And AV Unit, again, please show that
3 <documentary photo> on screen.

4 (Short pause)

5 [14.13.10]

6 BY MR. KOPPE:

7 Q. Mr. Witness, is this photo taken by you?

8 MR. SENG LYTHENG:

9 A. I am not sure about all these photos, or maybe my memory does
10 not serve me well now, but it seems that I did not take these
11 photos although I am not 100 percent sure. Most of the times I
12 only took photos in Phnom Penh that is during the negotiations or
13 meetings of the delegates. As for photos taken outside, I am not
14 sure whether it was me or another photographer who took the
15 photos. <I cannot comment on this photo.>

16 [14.14.24]

17 Q. Well, Mr. Witness, I actually have a photo of a meeting of a
18 high-ranking Chinese delegation.

19 And, with your leave, Mr. President, I would like to show that
20 photo to the witness and maybe this photo is a photo he took.

21 That is E3/3260, ERN P00416560.

22 MR. PRESIDENT:

23 Yes, the Chamber allows that. AV Unit, again please show the
24 photo on screen.

25 (Short pause)

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1 [14.14.54]

2 MR. PRESIDENT:

3 AV Unit, please show the photo on screen if you have one and if
4 you don't, please inform the Chamber.

5 It is now on screen.

6 BY MR. KOPPE:

7 Q. Mr. Witness, is this maybe a photo that you took?

8 MR. SENG LYTHENG:

9 A. No, it's not the photo that I took.

10 [14.16.45]

11 Q. Let me finish by showing you a very iconic photo and I will
12 ask you if you took him or if you knew or know who it was that
13 took this photo.

14 Mr. President, it's not a very good copy but nevertheless it's
15 Photo E3/3236, ERN P00407223.

16 MR. PRESIDENT:

17 Yes, the Chamber allows that.

18 AV Unit, please show that photo again on the screen.

19 (Short pause)

20 [14.17.59]

21 BY MR. KOPPE:

22 Q. Did you take this photo or do you know who took this photo?

23 MR. SENG LYTHENG:

24 A. I did not take this photo. <In> fact, there were some other
25 photographers who were more skillful than me and it seems that

1 this photo was taken even before I engaged in the photography.

2 Q. Well, following up on what you said, Mr. Witness, I would like
3 to show you a photo of someone who claims to be the photographer
4 of many photos of Pol Pot and others, for instance at visits,
5 during visits of dams.

6 Mr. President, I would like to show the witness a photo of
7 someone who testified here, Nhem En, and I would like to ask the
8 photographer, the witness whether he recognizes this person. It's
9 document -- I believe actually it has an E3 but I shall refer now
10 to the ERN only. It is 00162874 and here I have it as document
11 D108/3/15.1.

12 MR. PRESIDENT:

13 Yes, the Chamber allows that.

14 (Short pause)

15 [14.20.28]

16 BY MR. KOPPE:

17 Q. Mr. Witness, have you ever seen this person between '75 and
18 '79?

19 JUDGE FENZ:

20 Sorry to interrupt. I am not completely sure but I seem to
21 remember the guy is protected so don't mention the name but find
22 another way to identify him if you can. Or am I wrong?

23 MR. KOPPE:

24 Yes. Yes, you're wrong. This is Nhem En.

25 JUDGE FENZ:

1 I know it is. Yes.

2 [14.21.10]

3 MR. KOPPE:

4 No. No, he is not protected.

5 JUDGE FENZ:

6 Oh, sorry.

7 BY MR. KOPPE:

8 Q. Do you -- do you recognize him or you have no idea who he is?

9 MR. SENG LYTHENG:

10 A. No, I do not recognize him.

11 Q. Did you ever see him in proximity of Chinese delegations or in
12 the proximity of Pol Pot? No, because if you don't know him you
13 cannot answer this question.

14 Let me just nevertheless read something from his testimony just
15 to be 100 percent sure.

16 Mr. President, I will be reading from E1/419. This is the
17 transcript of 20 April 2016, Nhem En testifying, answering
18 questions from the Prosecution I believe at 10.02 in the morning.

19 [14.22.17]

20 "When I worked in Tuol Sleng, I was also involved in taking
21 photographs, for instance at Angkor Wat, of Uncle Pol Pot or
22 Chinese delegations or other delegations from the Communist bloc.
23 Usually, I would be assigned to take photographs of Pol Pot and
24 Son Sen, but I rarely saw Khieu Samphan at the time." End of
25 quote.

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1 Mr. Witness, was there someone who was specifically occupied with
2 taking photos of Pol Pot?

3 A. Which person among these people in the photos?

4 Q. You just confirmed that you don't recognize this person. But
5 do you know whether there was any other persons specifically
6 tasked with making photos of Pol Pot, for instance, while he was
7 visiting dams? Was there someone who was specifically assigned to
8 do this or you have no idea?

9 [14.23.48]

10 A. They <were from a> separate unit for that but I was not in
11 that unit. So as I said, there was a separate unit responsible
12 for taking such photos <at various sites>.

13 Q. Thank you for that clarification, Mr. Witness.

14 Another question: Were you involved in the making of a film of
15 Vietnamese prisoners?

16 A. Yes, I was.

17 Q. What do you recall about that?

18 A. It was a short documentary film of one Vietnamese but I cannot
19 recall the location. I was tasked to make that short film and
20 that <camera> that I used was provided by China. And the film was
21 made of this one Vietnamese prisoner of war.

22 Q. Do you recall where it was that you shot this short film?

23 Where -- was it in Phnom Penh and if yes, where in Phnom Penh?

24 A. It was filmed in Phnom Penh but I cannot recall its exact
25 location, although I knew that it was in Phnom Penh.

1 [14.26.20]

2 Q. Let me see if I can assist you a little bit by reading some
3 testimony from someone who testified in this Court.

4 Mr. President, I will be referring to the transcript of 16 June
5 2016. Just before 11.07 in the morning the witness testified
6 that -- talking about this film said:

7 "The film shot by Theng, nephew of Pol Pot, was in two parts. One
8 was shot near the pond and the bushes to the north -- sorry it
9 was to the east -- of Street 163 and to the north of Mao Tse
10 Toung Boulevard, and the second part was shot at my house -- that
11 is, on Street 95."

12 Mr. Witness, Street 163, Mao Tse Toung Boulevard, is that where
13 you shot this film?

14 [14.27.58]

15 A. I do not know whether you are referring to a film or a
16 documentary film. Since I do not see this film, I cannot respond
17 to your question.

18 Q. I understand. Do you recall with whom you had contact about
19 this film, which cadre assisted you on the location where this,
20 where the film was shot? Do you remember?

21 A. Pang was the one who assigned me to go there.

22 Q. And do you remember the name of the person that you had
23 contact with once you had arrived at the scene, at the location?

24 A. When I arrived there everything had been arranged <by Pang>
25 for me to make that short film <>. It was a very short film and

1 after I did it, then I returned.

2 Q. Do you know whether the film that you shot was ever shown at a
3 conference in Jakarta at some point in time?

4 A. I do not know about that because after I finished filming, I
5 handed the camera over to the Chinese and I did not know what
6 happened to it after that.

7 Q. Let's talk a bit about Pang. In your WRI you speak quite a bit
8 about Pang.

9 What is it that you remember about Pang? What can you tell us
10 that you remember now?

11 A. I did not grasp the full extent of his work regarding the
12 person by the name Pang. <For the large part,> he was the one who
13 was in charge of giving assignments <after Pol Pot.>. Pang and
14 Pol Pot interacted with each other and he was the one who gave
15 assignments.

16 [14.31.39]

17 Q. Was he the chairman of Office K-1?

18 A. Yes, we can say that he was the chairman of K-1 Office because
19 he was the one in charge of <entire guard unit, and I could not
20 grasp the extent of his works> . Everything went from Pol Pot
21 down to Pang. Pang received the orders and then he relayed the
22 orders to the personnel.

23 Q. Did you ever see Pang having contact with Thuch or Koy Thuon,
24 the person that you mentioned, the former Chief of the North
25 Zone? Did you ever see Pang have contact with Thuch or Thuch?

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1 A. I did not see them contacting each other.

2 [14.33.04]

3 Q. This morning, Mr. Witness, you were shown a list by the
4 Prosecution with names of people that worked at K-1 and K-3. You
5 identified yourself as number five on that list, Theng, alias
6 Poul.

7 Did you ever see such a list of names of people working for K-1
8 and K-3 while you were working at K-1? Did you ever come across
9 such a list of personnel of people who were working like yourself
10 at K-1 or K-3?

11 A. No, I never saw such a list.

12 Q. Do you recognize the handwriting of that list? I believe you
13 still have it in front of you.

14 A. I do not yet understand about this list. Are you asking me
15 whether I recognize the names of people on this list?

16 Q. Not so much the names, but the handwriting. Is that something
17 -- is there something from this document that you somehow
18 identify as having its origins from K-1? For instance, do you
19 recognize the handwriting?

20 A. No, I do not know who <was> the author of the handwriting.

21 [14.35.40]

22 Q. Let me ask another question, Mr. Witness. When you were
23 addressing Pol Pot or when you were addressing Nuon Chea in
24 personal contact, how would you -- how would you call your uncle,
25 Pol Pot? How would you -- which terms would you use; do you

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1 remember? Pol Pot, I mean Pol Pot. Would you -- let me make it
2 very concrete. Would you say to him, tell to him or call him, for
3 instance Om Pol or Om Pol Pot or Bong Pol, or how would you
4 address him?

5 A. In general, I addressed him as Bong Pol or Brother Pol.

6 Q. And how would you generally address Nuon Chea?

7 A. In general, I addressed him as Brother or Bong.

8 MR. PRESIDENT:

9 Can you give an example of how you addressed him?

10 [14.37.18]

11 MR. SENG LYTHENG:

12 Bong Pol, Bong Nuon Chea, Bong Khieu Samphan.

13 BY MR. KOPPE:

14 Q. How would you address Son Sen?

15 MR. SENG LYTHENG:

16 A. When we addressed most of the cadres, we addressed them by
17 Brother or Bong<, including Son Sen and other leaders.>

18 Q. Would your colleagues address Pol Pot or Nuon Chea as Bong Pol
19 or Bong Nuon or would they rather say Om Pol or Om Nuon?

20 A. It depended on individual's preference but, in general, people
21 addressed them as brothers. But sometimes people addressed them
22 as Om or Ta.

23 Q. And was there a difference in communicating directly in person
24 with the way Nuon Chea or Pol Pot were addressed in telegrams or
25 letters? Is that something that you know?

1 A. I did not know about how they were communicated or addressed
2 on telegrams<, I could not grasp the code and whatsoever>.

3 [14.39.38]

4 Q. Thank you, Mr. Witness. Mr. President, for the record, the
5 document was used by the Prosecution to ask the witness certain
6 questions. I have done the same thing. I have no problem with
7 this. I didn't object. But we believe that the document was made
8 up by S-21, either by Duch or by Pang. Not only because of its
9 content and references to Pol Pot and Nuon Chea as Uncle One and
10 Two but, more specifically, because of Duch's testimony during
11 one of the confrontations in Case 001.

12 I'll be referring now to document E3/82; English, ERN 00398187;
13 French, 00398193; and Khmer, 00398179. The Investigating Judges
14 asked Duch the following question:

15 [14.40.55]

16 "We are showing you a document entitled, 'Lists of the people who
17 are working at Office K-1 and K-3'. Have you seen this document
18 previously? Do you know who wrote up this document and under what
19 circumstances?"

20 Then Duch says: "I have never seen this document before. I can
21 say that the handwriting looks like Pang's but I'm not sure if it
22 is really his handwriting. I don't know whether these lists were
23 drawn up at S-21 or not."

24 And then he says: "I note that there is mention made of Uncle
25 Number Two, whereas as at S-21 we never called Nuon Chea by that

1 name. We called him Brother Number Two."

2 But if you look at the content of the document, there are
3 multiple references to Pang which seems to suggest that this
4 document was made up shortly after the arrest of Pang which we
5 believe was in May or June 1978.

6 Maybe it's now a good time to break.

7 No; no, I haven't finished yet. Maybe this is a good moment to
8 take a break. That's what I was asking and I saw you nod. But if
9 you want me to continue, I'm happy to continue.

10 Mr. Witness, do you recall ever having spoken to a journalist of
11 the Cambodia Daily, a journalist called Thet Sambath?

12 [14.43.12]

13 A. No, I cannot recall that. But there have been many journalists
14 who came to interview me. <That was not the only one.>

15 Q. Do you remember ever speaking to a journalist about Pol Pot's
16 character, questions where you were asked to describe Pol Pot's
17 character?

18 A. Yes, I can recall that.

19 Q. Let me ask you a similar question. If you were to describe
20 your uncle's character, Pol Pot's character, you knew him very
21 well. You worked with him. You knew him personally. How would you
22 describe Pol Pot's character?

23 [14.44.45]

24 A. Based on my observations of him and my experiences of living
25 with him, he was not a brutal person. He was a polite <and>

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1 gentle person. And he was friendly with other people and friends.
2 He was not an arrogant person and he never used any inappropriate
3 words that were abusive toward other people. And <his teaching
4 counted as> good advice <for other people>. I did not see him at
5 all as a brutal person.

6 Q. Were you with Pol Pot till his death in 1998?

7 A. Yes, I remained with him until his death.

8 BY MR. KOPPE:

9 If I should continue then I will, Mr. President.

10 Q. Mr. Witness, you were very close to Pol Pot. Have you ever
11 heard of any attempts whenever, in the early seventies or later,
12 any attempts of food poisoning Pol Pot?

13 MR. SENG LYTHENG:

14 A. I am not quite certain about this incident during the time
15 when I lived with him. I only heard about this incident when I
16 left Phnom Penh. I heard about the case in which there were
17 individuals with intention to poison him.

18 Q. Do you know who they were?

19 [14.47.44]

20 A. <>I did not know clearly <about this>. I only heard that it
21 was people who were close to him who were the ones who gave him
22 daily medicines.

23 Q. Were you also close to him at the very end of 1978 when two
24 foreign journalists visited him and talked with him and one
25 academic who accompanied these two journalists was murdered in

1 his hotel room in December 1978?

2 A. No, I was not aware of that <because I no longer lived with
3 him at that time.>

4 MR. KOPPE:

5 Mr. President, now I actually need to break because I have one
6 thing left and that is showing some footage of the visit and we
7 need the break for that.

8 [14.49.21]

9 MR. PRESIDENT:

10 Thank you. It is now a convenient time for the break. The Chamber
11 will take a break from now until 3.05.

12 Court officer, please assist the witness at the waiting room
13 reserved for the witness during the break <> and invite him back
14 together with the duty counsel into the courtroom at 3.05.

15 The Court is now in recess.

16 (Court recesses from 1449H to 1506H)

17 MR. PRESIDENT:

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

19 Again, the floor is given to the Defence Counsel for Nuon Chea to
20 put further questions to the witness.

21 MR. KOPPE:

22 Thank you, Mr. President.

23 One thing to add in respect of some of the photos that were shown
24 earlier to the witness, ZyLAB identifies the photos of inter alia
25 Geng Biao as originating from "The Phnom Penh Post". It says,

1 "Print-out of 116 photographs from Phnom Penh Post KR photo
2 catalogue with captions".

3 [15.08.06]

4 If they are, in fact, from "The Phnom Penh Post" or whether they
5 just haven't been filed, that is unclear to me.

6 Having said that, Mr. President, I would like to finish my
7 questions with showing a video-clip to the witness of two
8 minutes, identified in our earlier email today to the senior
9 legal officer.

10 So with your leave, I would like to show that on the screen.

11 JUDGE FENZ:

12 Identify it for us also for the record.

13 MR. KOPPE:

14 I will do that shortly. Yes, I apologize. It's E3/3015R and it's
15 from the beginning up to 0219H.

16 MR. PRESIDENT:

17 Yes, the Chamber allows it. And, AV Unit, please show that
18 video-clip on the screen.

19 [15.09.34]

20 (Audio-visual presentation)

21 [15.11.55]

22 BY MR. KOPPE:

23 Q. Mr. Witness, this is most likely footage from a visit of Pol
24 Pot to the East Zone to presumably to a rubber plantation, early
25 1978. Were you somehow involved in that visit or in the shooting

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1 of these -- shooting of this footage that you just saw? Are you
2 somehow involved?

3 MR. SENG LYTHENG:

4 A. No, I was not involved in this video.

5 Q. Do you recall accompanying Pol Pot to the East Zone at any
6 point in time in early '78?

7 A. I do not think I participated in such an event.

8 [15.13.13]

9 MR. KOPPE:

10 That's no problem; I just wanted to ask you this question.

11 Thank you very much, Mr. President, I am finished.

12 MR. PRESIDENT:

13 Thank you. The floor is now given to the Defence Counsel for
14 Khieu Samphan to put questions to the witness.

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. We, the Defence Counsel for Khieu
17 Samphan, do not have any questions for this witness. Thank you.

18 [15.13.49]

19 MR. PRESIDENT:

20 Mr. Seng Lytheng, the Chamber is grateful of your presence and
21 your testimony is now concluded. It may contribute to the
22 ascertainment of the truth in this case and you are no longer
23 required to be present in the courtroom. For that reason, you may
24 return to your residence or wherever you wish to go to and the
25 Chamber wishes you all the very best.

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1 And, Mr. Mam Rithea, <the duty counsel,> the Chamber also is
2 grateful of your assistance.
3 Court officer, please make an arrangement with WESU to arrange
4 for Mr. Seng Lytheng to return to his home or wherever he wishes
5 to return to.

6 And Mr. Seng Lytheng and Mam Rithea, you are now excused.

7 (Witness exits the courtroom)

8 [15.14.55]

9 MR. PRESIDENT:

10 Next, the Chamber will hear testimony of a civil party,
11 2-TCCP-258.

12 Court Officer, please ask Civil Party 2-TCCP-258 into the
13 courtroom.

14 (Civil Party enters courtroom)

15 [15.16.17]

16 QUESTIONING BY THE PRESIDENT:

17 Q. Good afternoon, Madam Civil Party. What is your name?

18 MS. KHEAV NEAB:

19 A. My name is Kheav Neab.

20 Q. Please repeat your name.

21 A. My name is Kheav Neab.

22 Q. Thank you, Madam Kheav Neab. And do you recall when you were
23 born?

24 A. I was born in 1952.

25 Q. Where were you born?

1 [15.20.13]

2 A. I was born at Damrei Slab <village>, Kampong Svay district,
3 Kampong Thom province.

4 Q. Where is your current address?

5 A. I live in Voa Yeav village, Damrei Slab commune, Kampong Svay
6 district, Kampong Thom province.

7 Q. What is your current occupation and what are the names of your
8 parents?

9 A. My father is Thun Kheav (phonetic) and my mother is Chhun
10 Siek. As for my occupation, I am a rice farmer.

11 Q. What is the name of your husband and how many children do you
12 have?

13 A. I have two children with my first husband, and for my second
14 husband we have four children.

15 Q. What is his name?

16 A. My second husband is To Bien (phonetic).

17 Q.Thank you, Madam Kheav Neab. Toward the conclusion of your
18 testimony as a civil party, you have an opportunity to make an
19 impact statement in relation to harms you suffered under the
20 Democratic Kampuchea regime from 17 April 1975 to 6 January 1979
21 if you wish to do so.

22 And, Madam Kheav Neab, have you been interviewed by investigators
23 from the Office of the Co-Investigating Judges <of the ECCC>?

24 [15.22.23]

25 MS. KHEAV NEAB:

1 A. I was interviewed for one or two times in the past.

2 Q. And do you recall when that happened and where?

3 A. I cannot recall the date <because I did not take note>, but I
4 was interviewed in this Court, that is at a room under this
5 courtroom. I was interviewed by a lawyer.

6 Q. So you were interviewed by a lawyer but not the OCIJ
7 investigator. Is that correct?

8 A. I was called by my lawyer and I was interviewed.

9 [15.23.31]

10 MR. PRESIDENT:

11 I thank you, and pursuant to Rule 91bis, I hand the floor first
12 to the Lead Co-Lawyers for civil parties before other parties.
13 Indeed, the combined time for the Lead Co-Lawyers and the
14 Co-Prosecutors are two court sessions to put questions to the
15 civil party.

16 You have the floor.

17 QUESTIONING BY MS. GUIRAUD:

18 Thank you, Mr. President, and good afternoon, everyone.

19 Good afternoon, Madam Civil Party. I will put a few questions to
20 you this afternoon and I believe I'll do so up to the end of
21 these hearings at 4 p.m.

22 I'll start by putting general questions to you regarding your
23 background during the Democratic Kampuchea regime in order to
24 enable the Chamber <and Parties> to understand your history and
25 then I will focus <specifically> on events you witnessed in Phnom

1 Penh and the disappearance of your husband.

2 Q. For a start, I would like to know where you lived prior to 17
3 April 1975?

4 MS. KHEAV NEAB:

5 A. In 1975, I lived in my native village and commune.

6 [15.25.23]

7 Q. Can you tell the Chamber the name of your village, the name of
8 your commune, and your district of origin?

9 A. It was Damrei Slab village, Damrei Slab commune, Kampong Svay
10 district, Kampong Thom province.

11 Q. Were you already married in 1975?

12 A. <> I got married with my <first> husband in 1973.

13 Q. What was your husband's name and what was his occupation when
14 you got married to him?

15 A. My husband was Kheng Cheu and after we got married, he worked
16 in the rice field in our village and commune.

17 [15.26.47]

18 Q. Thank you. After having worked in the rice field in your
19 village, where was he assigned to work?

20 A. He worked in the village or in the nearby area within the
21 village <that was a village> cooperative.

22 Q. After working for that cooperative, where was your husband
23 sent?

24 A. After he worked at the cooperative, by 1974 my husband was
25 sent to the battlefield.

1 Q. Did your husband participate in the liberation of Phnom Penh?

2 A. In around 1974, he went to the battlefield and in 1975, <> I
3 learnt that Phnom Penh was liberated.

4 Q. Where was he assigned after the liberation of Phnom Penh in
5 April 1975?

6 A. After the liberation in 1975, my husband worked at a state
7 market in Phnom Penh, that is, at the location known as Phsar
8 Thmei.

9 Q. As of the moment when your husband was assigned to Phsar
10 Thmei, did he have the same position until he disappeared, or did
11 he <receive another assignment> in Phnom Penh?

12 A. The work he did was <simple in that state market>, that <was>
13 to gather vegetables and rice in that state market, that is, at
14 Phsar Thmei.

15 [15.30.28]

16 Q. Thank you. When your husband was assigned to Phsar Thmei, were
17 you <yourself> in Phnom Penh?

18 A. In 1975, I was not in the city yet. I was <brought in to stay
19 with him in> 1978.

20 Q. So from the moment when you were sent to Phnom Penh, did you
21 work in Phnom Penh and, if yes, can you tell the Chamber where
22 and in which capacity you worked?

23 A. I lived at Phsar Thmei. I did not hold any position. I was a
24 cook for staff at the workplace.

25 Q. You said to the Chamber that you arrived in Phnom Penh in

1 1978. Do you remember if it was at the beginning of the year or
2 at the end of the year? Do you have any kind of bearings in
3 relation to <the time of year> or an idea of the season when this
4 happened?

5 [15.32.28]

6 A. In 1978, that was a few days before the New Year, I was
7 brought to the city <to celebrate the New Year. It was in April.>

8 Q. Did you have children back then when you were brought to Phnom
9 Penh?

10 A. I had a child. The child was born in 1974. I got married in
11 1973 and then in early 1974 my <son> was born. <That child
12 followed me.>

13 Q. Thank you. I would like to get back to your husband's
14 profession when he was at the <Central Market> in Phnom Penh. Are
15 you familiar with the word, or with the term, "Office 870"?

16 A. The place where my husband worked, I asked him what was it
17 called and he told me that it was called Ministry 870, <not
18 Office,> and that place was in charge of distributing vegetables,
19 meat <and rice>.

20 Q. Thank you. You also said in your civil party application,
21 document E3/6325; English, ERN 01114153; French, 01152692; Khmer,
22 00544168 to <69>; you said that your husband was a cadre in
23 Office 870.

24 Was he a cadre or was he just a simple worker? Which details do
25 you wish to provide to the Chamber today regarding that?

1 A. He was not a cadre, he was a worker who carried the <economic
2 supplies>.

3 [15.35.50]

4 Q. In your supplementary information form, E3/6425 at
5 sub-paragraph (a); at English, ERN 01069300; French, 01051394;
6 Khmer, 00581517/19; it is stated that your husband was a
7 battalion commander in 1978.

8 <Does this seem correct>, and do you remember if your husband was
9 a battalion commander in 1978?

10 A. It was at the time when he was a soldier that he was within
11 the battalion. It was at the time when he was engaging in
12 battlefields that he was with the battalion not at the time when
13 he was in the city.

14 Q. So if I understood you well, before he was assigned to the
15 Central Market, your husband was a member of a battalion but he
16 never was a battalion commander. So did I understand properly
17 what you just clarified right now?

18 [15.37.54]

19 A. Yes. At the time when he moved to Phsar Thmei, he was not in
20 that position. <He was the subordinate to others.>

21 Q. Thank you. You also said to us earlier on that you, when you
22 arrived in Phnom Penh, around the New Year of 1978, you were a
23 cook over there, and when you were <working> at Phsar Thmei, did
24 you see the Khmer Rouge senior leaders?

25 A. In 1978, it was during the months that people were evacuated

1 from Prey Veng province <of the East Zone. When> those people
2 were put to stay in Phsar Thmei, <we were> tasked to cook rice
3 for those people. Krama and <clothes> were distributed to them
4 and I saw from a distance <of three metres away>, <I saw Khieu
5 Samphan, the senior leader. He> was distributing food and clothes
6 to the evacuees <>.

7 Q. Who told you that it was Khieu Samphan who was distributing
8 food to the evacuees?

9 A. No-one told me, I was also there. I saw him and I asked my
10 husband and my husband told me that he was Ta Khieu Samphan, and
11 that was what my husband told me. <I recognized him that he was
12 the leader of the country.> He was there for about five minutes
13 and then he disappeared.

14 Q. Do you remember if Khieu Samphan was accompanied by other
15 people, by other leaders, on that day?

16 [15.41.15]

17 A. At the time when I saw him, I saw a messenger carrying a gun
18 and he was standing behind him, <while he took a krama and gave
19 it to people.> And people told me that that guy was his
20 messenger.

21 Q. Did you see Khieu Samphan upon other occasions or was that the
22 only time you saw him when you were in Phnom Penh?

23 A. I saw him only one time. I have never seen him again.

24 Q. You said that Khieu Samphan's visit at the Phsar Thmei
25 happened when the people were <being> evacuated from Prey Veng.

1 Do you remember the <time of year, the> date in 1978, when you
2 saw Khieu Samphan at the Phsar Thmei?

3 [15.42.57]

4 A. I cannot recall the exact date, but what I can recall was that
5 it happened after Pchum Ben.

6 Q. And what happened? You said that you were cooking for these
7 evacuees and -- but what happened to them afterwards, if you
8 could sum this up?

9 MR. PRESIDENT:

10 Madam Civil Party, please hold on. I give the floor to Anta
11 Guisse.

12 MS. GUISSSE:

13 Thank you, Mr. President. Yes, I'm going to object <at this
14 time>. I didn't object before because my colleague was speaking
15 about Khieu Samphan and about his supposed encounter with the
16 civil party here present now.

17 But I think now she's going to be put questions about the
18 population movement which is not within the scope of the Trial so
19 therefore I object that questions <were> put in that regard
20 <earlier>.

21 BY MS. GUIRAUD:

22 What I wanted to focus on in particular, Mr. President, was the
23 civil party's role once she had cooked for these evacuees but, of
24 course, I don't challenge the fact that the population movement
25 that followed is not in the scope of the Trial, so I can <skip>

1 this question if the Chamber accepts that. Okay. <I will skip
2 it.>

3 [15.44.57]

4 Q. Civil Party, you said that when you saw Khieu Samphan after
5 Pchum Ben in 1978, you were with your husband. Can you explain to
6 the Chamber what happened to your husband at the end of 1978?

7 MS. KHEAV NEAB:

8 A. I did not know what happened to my husband. He disappeared. I
9 did not know whether he committed any wrongdoing. <Both him and I
10 did nothing wrong.>

11 MS. GUIRAUD:

12 Mr. President, with your leave I would like to provide to the
13 civil party a list, a list of prisoners, E3/10454. And the civil
14 party gave us the name of her first husband at the beginning of
15 the hearing so I'd like to see if she recognizes her husband's
16 name on this list. I am at ERN 01018812 of document E3/10454.

17 [15.46.43]

18 MR. PRESIDENT:

19 The Chamber grants your request.

20 BY MS. GUIRAUD:

21 Q. Civil Party, I am therefore providing you with a list. I know
22 that you know how to read but I think you need glasses. I don't
23 know if you have your glasses with you. Can you read without your
24 glasses?

25 So this is a list, a prisoners' list, and we see that they were

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1 arrested in December 1978, and I'd like to draw your attention to
2 number 14 in that list. I would like you to read <aloud> the name
3 and the alias and the age and the person's occupation, and I'd
4 like to see if this name rings a bell. So, I'm at Number 14 in
5 that list.

6 [15.48.24]

7 MS. KHEAV NEAB:

8 A. Number 14, my husband. His name to me as I knew was Kheng
9 Choeun <but his grandfather's name was Kung Cheu, Kung Choeun, so
10 he adopted that name,> and in 1978 his age was 25 years old. So
11 this is really the name of my husband.

12 And regarding the people who were with him, in number 13 named
13 Kang Ye, his name was Kang <Nhe (phonetic)> and number 15, the
14 name is Run; I don't know his surname but the name Run is clear
15 to me. So the three individuals <stayed> together and they were
16 arrested at the same time. Thank you.

17 BY MS. GUIRAUD:

18 And I'd like to specify, here before the Chamber <and the
19 Parties>, that the civil party was a civil party in Case 001 and
20 that her Civil Party Application had been rejected <at the time,>
21 because there was not enough evidence regarding the disappearance
22 and the <death> of her husband at S-21.

23 But thanks to the new list that was drafted by the OCIJ, we were
24 able to access lists from the period <which> allowed us to find
25 the civil party's husband's name.

1 Q. Civil Party, in this list it is stated that your husband
2 apparently was executed in December 1978, that is to say, at the
3 very end of 1978. So does that correspond to what you remember?

4 [15.50.55]

5 MR. PRESIDENT:

6 Madam Civil Party, please hold on. The floor is given to Counsel
7 Victor Koppe.

8 MR. KOPPE:

9 Yes, thank you, Mr. President. I object to this question. It's
10 inappropriate because the question goes to what she remembers
11 about the execution of her husband. She doesn't know anything
12 about the execution of her husband, so she can also not remember
13 anything. So the question that is phrased in this way would be
14 inappropriate.

15 BY MS. GUIRAUD:

16 Q. Well, I will rephrase and I will speak about disappearance,
17 and then I might put an introductory question. So were you
18 present when your husband was taken away?

19 [15.52.08]

20 MS. KHEAV NEAB:

21 A. I was with him on the night before the day of his arrest and
22 the next day it was around eight <or nine> in the morning my
23 husband disappeared. <I was summoned for a meeting at the place
24 where we stayed. I asked, "Where are we going?" and they replied
25 that we were to work in the rice farm.> I went to an office and

1 asked people there where's my husband and I was told that my
2 husband <had already departed>.
3 <To hear this, I could not think of anything else because> his
4 belonging were still with me<. My child was playing behind the
5 house,> so I asked my child where <was> your father and he said
6 he went with Pou Nhe (phonetic) or Uncle Nhe <and Uncle Run. His
7 father was on a vehicle and departed. My child was over three
8 years old so that I knew it>. So my husband disappear since then.

9 Q. What happened to you and to your child then after the arrest
10 of your husband?

11 [15.53.43]

12 A. After my husband had been arrested, it was <hardly> one hour
13 later I was instructed to get my belongings and go into a vehicle
14 along with my child<, along with other four or five people. We
15 were sent westward areas to work on the farm but I did not know
16 the exact place. Upon our arrival, we began> harvesting rice.

17 Q. Were you told why you had to leave Phnom Penh?

18 A. Before I was told to leave the city, I was told that I would
19 be sent to do rice farming.

20 Q. Were you provided with the reasons for your husband's arrest?

21 A. No. After his disappearance, I was not informed about what had
22 happened to him. I had no clues at all. I did not know where he
23 was taken to.

24 Q. You spoke to us about your son who described the circumstances
25 in which your husband was arrested. Did you have any other

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1 children during the DK regime before the disappearance of your
2 husband or after the disappearance of your husband?

3 A. After I was separated from my husband, I was seven months
4 pregnant. So when I was sent to do rice farming, I had a small
5 child with me and I was also pregnant.

6 MR. PRESIDENT:

7 The floor is given to Judge Marc Lavergne.

8 [15.56.56]

9 JUDGE LAVERGNE:

10 Yes, I have an additional question. Counsel Guiraud, can you tell
11 us if the name of the civil party's husband is on the list of the
12 S-21 prisoners that was established by the OCIJ?

13 I understand that you are referring to documents that <underpin>
14 this list but you did not provide us with the number
15 corresponding to the civil party's husband on that list.

16 BY MS. GUIRAUD:

17 Yes, I have it, but I'm looking for it, in fact, Your Honour. I
18 have -- here it is, yes.

19 So in this list from the OCIJ, E3/10604, it is number 12831. And
20 the names of the two colleagues that were also identified by the
21 civil party right now are on the same <OCIJ> list at entries
22 10830 (sic) in the case of Ye whom she spoke about, and 10832
23 (sic) for Run <whom> the civil party also spoke about.

24 [15.58.53]

25 So I just had a last question, Mr. President, which the civil

1 party may also address during her statement of suffering, so I'll
2 leave it up to your discretion.

3 Q. So, Civil Party, you told us that you were transferred to a
4 rice field and you were with your child and you were pregnant;
5 pregnant already for several months. Can you describe to us the
6 circumstances under which you delivered your second child?

7 MS. KHEAV NEAB:

8 A. When I was sent to do rice farming, while I was harvesting
9 rice for about half a month, I was sent further and we did not go
10 there by vehicle, we walked on foot <while I was pregnant. Also I
11 carried some stuff on my head>.

12 We <>finally <> arrived in Pursat province. <From Pursat,> we
13 arrived at <Padei> (phonetic) mountain and then after we returned
14 from the mountain, I delivered my baby at the area called <Moung>
15 Ruessei <Cooperative>. <My daughter was born whether> in late
16 1979. It was in March of the year, <that appeared in> the year of
17 the horse.

18 MS. GUIRAUD:

19 Thank you, Civil Party. Thank you, Mr. President.

20 [16.00.55]

21 MR. PRESIDENT:

22 It is now convenient time for adjournment. The Chamber will
23 resume its hearing tomorrow, 30 November 2016<, starting from 9
24 a.m.>

25 The hearing tomorrow, the Chamber will hear testimony of <the

1 civil party, Kheav Neab,> and we also will hear the testimony of
2 2-TCCP-1063.

3 Court Officer, in collaboration with WESU, please make necessary
4 transport arrangement to send the civil party to where she is
5 staying and please invite her back into the courtroom tomorrow at
6 nine o'clock.

7 Security personnel are instructed to bring Khieu Samphan and Nuon
8 Chea back to the detention facility and have them returned to the
9 courtroom tomorrow morning before 9 a.m.

10 The Court is now adjourned.

11 (Court adjourns at 1601H)

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