



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 02-May-2013, 14:55
Sann Rada
CMS/CFO:

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 April 2013
Trial Day 171

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

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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. RUOS SUY (TCW-570)	Khmer
MS. SIMONNEAU-FORT	French
MR. VENG HUOT	Khmer

1

1 P R O C E E D I N G S

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 As scheduled today, the Chamber is hearing the testimony of

6 TCW-570, questions to be put by counsels for Mr. Khieu Samphan

7 before the other parties of the proceeding because this witness

8 has been proposed by counsels for Mr. Khieu Samphan. And during

9 today's session we will conduct the examination as we did

10 yesterday, and time will be equally allocated to parties as we

11 did yesterday. Co-Prosecutors and Lead Co-Lawyers for the civil

12 parties will have a half day for questioning time when the two

13 defence counsels will have the other half.

14 Ms. Se Kolvuthy is now directed to report to the Chamber on the

15 current status of the parties to the proceedings today.

16 [09.05.00]

17 THE GREFFIER:

18 Good morning, Mr. President and Your Honours. During today

19 sessions, all parties to the proceedings are present. Mr. Nuon

20 Chea is present in his holding cell as ruled by the Chamber due

21 to his health concerns.

22 Witness TCW-570, who is to give testimony today, is at the

23 waiting room awaiting call by the Chamber. The witness has

24 confirmed that the witness is not in a relationship with the

25 co-accused Mr. Khieu Samphan and Nuon Chea or a civil party in

2

1 this case. The witness already took the oath on the 23rd of April
2 2013. The witness has no duty counsel and there is no reserve
3 witness for today. Thank you, Mr. President.

4 [09.06.08]

5 MR. PRESIDENT:

6 Thank you, Ms. Se Kolvuthy.

7 And court officer is now directed to bring in TCW-570.

8 MS. GUISSÉ:

9 Thank you, Mr. President. Good morning to you, and good morning
10 to the parties in this Chamber.

11 I just wanted to inform you that we have been talking with the
12 Nuon Chea defence team and we wanted to inform you about the way
13 a priori we are planning to distribute our time. Our colleagues
14 in the Nuon Chea team have told us that they would need 20 to 30
15 minutes time to question this witness and our purpose would be to
16 be completed this morning by 11.30. That is just so that you can
17 understand how we are intending to organize our time. Thank you,
18 sir.

19 [09.07.20]

20 MR. PRESIDENT:

21 We would like to make sure we understand your request. Time
22 allocation for today is different from that of yesterday, but it
23 appears to us now through your request that you would like to
24 have time allocated differently from what we understand. Can you
25 please be more precise on this and so that the Chamber is fully

3

1 informed and so is the public and the parties to proceedings?

2 MS. GUISSÉ:

3 Yes, Mr. President; I'm really not very lucky. I mean, the
4 clearer I try to be the more I seem to confuse people.

5 Yesterday, towards the end of the day, we took about half an hour
6 to question the witness called by the Nuon Chea. Now today, the
7 Nuon Chea team has said that, at the end of the day, they would
8 need roughly half an hour to question the witness. So, today,
9 this morning, the idea is to finish – for us to finish by 11.30
10 so that the Co-Prosecutors can start at 11.30 and also that there
11 should be half an hour at the end of the day for the Nuon Chea
12 team to put questions to the witness.

13 I hope I was a little clearer. Thank you.

14 [09.09.14]

15 MR. PRESIDENT:

16 Thank you for that.

17 Counsels for Mr. Nuon Chea, would you wish to say a few words on
18 this new way of allocating the time and how you share this time?

19 MR. KOPPE:

20 Good morning, Mr. President. Not really. It's exactly the same as
21 it was operated or conducted yesterday. We might need 20 minutes,
22 30 minutes at the end of the day. So it's completely in
23 accordance with what counsel for the Khieu Samphan team has just
24 said.

25 MR. PRESIDENT:

4

1 Thank you.

2 We would like to now hand over to – rather, to allow witness to
3 be brought into the courtroom, please.

4 (Mr. Ruos Suy enters courtroom)

5 [09.10.30]

6 QUESTIONING BY THE PRESIDENT:

7 Good morning, Mr. Witness.

8 Q. What's your name, please?

9 MR. RUOS SUY:

10 A. Good morning, Mr. President and Your Honours. I am Ruos Suy. I
11 am from Peam Prachum village, Preaek Ambel commune, and district
12 of Kandal.

13 Q. Thank you, Mr. Ruos Suy. Do you have other names, or are you
14 called differently, or were you called differently during 1979 or
15 during the war?

16 A. Mr. President, I have no other name other than Ruos Suy.

17 [09.11.28]

18 Q. How old are you?

19 A. Today I am 60 years old.

20 MR. PRESIDENT:

21 Mr. Ruos Suy, for interpreting purposes, you are now instructed
22 to wait a few – observe some pause before you can proceed and
23 wait until you see the red light being activated on your mic to
24 respond to questions because by doing so your message will be
25 properly conveyed through different languages. And, indeed, your

5

1 mic will be automatically activated and you may observe that
2 sometimes you can see that the red light will be rather delayed
3 before you know after each question. So, with that, you can
4 ensure that your message will be conveyed and Court officer is
5 now directed to assist you by turning this mic a little bit
6 further from you so that you can see the red light easily. And
7 the mic is very sensitive, Mr. Ruos Suy, so you can be sure that
8 even if you sit back like that you will be heard as long as the
9 red light is on.

10 BY MR. PRESIDENT:

11 Q. What do you do for a living, Mr. Ruos Suy?

12 [09.13.02]

13 MR. RUOS SUY:

14 A. I am now a rice farmer.

15 Q. What are your parents' names?

16 A. I am Ruos Suy. My father is Ruos Pream. My mother is Him
17 Phlok.

18 Q. What's your wife's name and how many children do you have?

19 A. She is Sok Siek. We have six children: four boys, two girls.

20 Q. Thank you, Mr. Ruos Suy.

21 According to the report by the Greffier of the Trial Chamber a
22 moment ago, to the best of your knowledge you are not in a
23 relationship the co-accused or a civil party in this case. When
24 we refer to the co-accused, they are Nuon Chea and Mr. Khieu
25 Samphan; is that correct?

6

1 A. Mr. President, the account that I gave to the Chamber is
2 correct, although I don't remember when I gave it.

3 Q. I don't think you understood the question. Actually, what I
4 was asking is that whether the statement that read out by the
5 greffier of the Trial Chamber that you are not in relationship
6 with the accused or a civil party to this - in this case; is that
7 correct?

8 [09.15.08]

9 A. Yes it is. I am not in any relationship with the accused or a
10 civil party.

11 Q. Thank you. According to the same report, you already took the
12 oath before you were brought into this courtroom. Is that true?

13 A. Yes, it is.

14 Q. Thank you, Mr. Ruos Suy.

15 Now, the Chamber would like to notify of your right under Rule 28
16 right against self-incrimination of witnesses. As a witness you
17 may object to making any statement that might tend to incriminate
18 you. In other words, you have the right not to incriminate
19 yourself and as a witness you shall respond to all questions put
20 by the Judges of the Bench and parties to the proceedings except
21 the responses that you feel might tend to incriminate you.

22 [09.16.38]

23 And as the witness, you shall only tell the truth, the whole
24 truth, nothing but the truth, and that the truth must be based on
25 your experiences and what you bore witness to. Do you understand

1 this?

2 A. Yes, I do, Mr. President.

3 Q. Thank you.

4 Mr. Ruos Suy, have you ever given any interviews to the
5 co-investigators of the Co-Investigating Judges? If so, where did
6 such interview take place and when?

7 A. Mr. President, I do not recall the exact date when I gave the
8 interview because of lack of interest in taking notes of the
9 date. However, it is clear that I gave interview to the working
10 group who came to me in 2012 – rather, in 2002 and 2008.

11 Q. Before you appeared before this Chamber, have you had an
12 opportunity to read your account or statements or been read to so
13 that you can refresh your memory regarding these accounts?

14 A. Mr. President, I have reviewed the statements again already.

15 Q. According to your best recollection, do you believe that the
16 statements that you have just reviewed reflect what you stated
17 before the co-investigators in those years?

18 [09.18.53]

19 A. Yes, Mr. President. I have examined them already.

20 Q. Are these statements consistent with the accounts you
21 provided?

22 A. Yes, they are.

23 MR. PRESIDENT:

24 Thank you.

25 Next, the Chamber would like to hand over to counsels for Mr.

8

1 Khieu Samphan to proceed with the questions. You may now proceed.

2 QUESTIONING BY MS. GUISSÉ:

3 Good morning, Mr. Ruos Suy. My name is Anta Guissé; I am
4 international co-lawyer for Mr. Khieu Samphan, along with my
5 learned colleague, Kong Sam Onn. I'm going to start with a few
6 questions. Please don't forget that we are being interpreted, so
7 do be good enough to answer relatively slowly so that people who
8 don't speak Khmer can follow all of your answers and statements.

9 [09.20.27]

10 Q. My first question concerns the different interviews that you
11 have just been talking about with the President. You said that
12 you had two interviews with the investigators from the OCIJ and
13 I'd like to just look at that for one moment. You talked about an
14 interview in 2002 and another in 2008, but in our file, there's
15 only one interview with the OCIJ. On the other hand, there are
16 two interviews with DC-Cam.
17 So, my first question is: Can you remember being interviewed by
18 people from the DC-Cam organization?

19 MR. RUOS SUY:

20 A. Yes, I can. Actually, as I already mentioned, there were
21 interviews and I gave interviews to both the researchers and the
22 investigators.

23 Q. When you said that you had an interview with the researchers
24 and with the investigators, are we talking two successive
25 interviews; can I assume that you are not being interviewed by

1 both at the same time?

2 A. Yes, that's correct.

3 [09.22.34]

4 Q. You said that you were interviewed by the OCIJ investigators
5 in 2008, and there is a written record of that interview dated
6 14th of March 2008. So would that serve to refresh your memory
7 about the date when you met the investigators?

8 A. Yes, it is correct.

9 Q. As for the researchers from DC-Cam, now can you remember if
10 your interview with them took place before or after you met the
11 investigators from the OCIJ?

12 A. Allow me to also make this clear that I gave the interviews to
13 the researchers before I gave another interview to the
14 co-investigators.

15 [09.23.46]

16 Q. Do we therefore agree that there were two interviews on two
17 separate dates with those researchers?

18 A. It is correct.

19 Q. At the first interview with the DC-Cam researchers, were they
20 Cambodians who came to talk to you or were they foreigners?

21 A. During the first interview only a Cambodian person came to me;
22 the person was conducting research on the survivors of the
23 regime. So I was approached by Cambodian only at that time.

24 Q. Thank you. And the second interview; apart from a Cambodian
25 researcher was there anybody else and if so, can you remember who

1 it was?

2 A. I'm afraid I do not recall this very well. As a rice farmer, I
3 could not imagine that I would be called today to appear before
4 this Chamber.

5 Q. It's not especially serious. I'm just trying to refresh your
6 memory, Mr. Witness. Does the name Steve Heder mean anything to
7 you?

8 [09.25.53]

9 A. I may say that I cannot remember this very well because as a
10 rice farmer, I pay more attention on my rice farming than these
11 matters.

12 Q. Very well, we'll come back to this. One last question in this
13 area; can you remember the fact that these interviews were
14 recorded?

15 A. (No interpretation)

16 Q. Perhaps I didn't ask this very clearly. What I was asking you
17 was: Do you recall the fact these interviews were recorded?

18 A. Yes, I do, but as I said I didn't pay attention to this detail
19 whether I was recorded or not, but I knew my interview was
20 recorded.

21 [09.27.42]

22 Q. Thank you. Can I look a little bit at your personal
23 curriculum?

24 You've told us you're a farmer. My first question is to ask you
25 if you went to school and if you learned to read and write.

11

1 A. Yes, I did. I went to school to learn how to read and write.

2 By early 1970s, I was at grade 7. I could read and write.

3 Q. When did you join the Revolution and can you tell us why you
4 did?

5 A. I joined the Revolution - I joined the Resistance Movement in
6 late 1970s - rather, in late 1970 and I would then go back and
7 forth visiting my home and on the 15th of April 1973, I joined
8 the Khmer Rouge movement.

9 Q. When you say you joined the Khmer Rouge movement or when you
10 joined the Resistance rather, are you saying that you were in
11 another army other than the Khmer Rouge army? Can you please be
12 specific about what army you're referring to?

13 A. I joined the Vietnamese troops because the Vietnamese at that
14 time joined forces to liberate Cambodia.

15 Q. You said you joined the Khmer Rouge in 1973. Why did you leave
16 the Vietnamese movement?

17 A. There were some reasons behind this. First I thought that only
18 Khmer people would be the best to find peace for us because I
19 learned from the experience that the Vietnamese troops would
20 withdraw after some time leaving behind Cambodian soldiers
21 helpless.

22 [09.30.55]

23 With that, I was convinced that the only best solution was to
24 join the Khmer troops for this.

25 Q. Were there other reasons apart from the ones that you have

12

1 just given us?

2 A. I do not have any other reasons.

3 Q. If I may I would like to show you an extract of the record of
4 your interview with DC-Cam dated 19th of August 2003. The
5 reference number is 19.158 and the ERN in French is 00899429, the
6 ERN in Khmer is 00008258 and in English it is 00710492.

7 This is the first interview you granted to DC-Cam and this is
8 what you stated at the time.

9 [09.32.52]

10 MR. PRESIDENT:

11 (No interpretation)

12 JUDGE LAVERGNE:

13 Counsel Guissé, we need some clarifications from you.

14 You refer to a document which in principle is an annex to the
15 introductory submission. The Chamber would like to know whether
16 you have requested that this document be placed before the
17 Chamber, whether it is on your list of documents or is it on the
18 list of documents in the interface for today's hearing and in the
19 regard, what are the remarks of the other parties?

20 MS. GUISSÉ:

21 Yes, this document is on the interface. It is a prior statement
22 by the witness. We have just referred to the circumstance under
23 which that document was prepared. There were two interviews and
24 this document is one of the prior statements by the witness that
25 was provided to the parties and placed in the interface.

13

1 JUDGE LAVERGNE:

2 I very well understand, but was that document indicated on the
3 list of documents that had to be placed before the Chamber and
4 was the Chamber able to rule on that document; because a number
5 of decisions were issued

6 [09.34.26]

7 This is a new document pursuant to Rule 87.4.

8 Are the parties in agreement that the document be used today?

9 MS. GUISSÉ:

10 Quite honestly, I do not know whether that document is on the
11 list, but regarding the witness's prior statements, I understand
12 that, there are no difficulties with that regard, but I will
13 allow the parties to make submissions on that subject, if need
14 be.

15 MR. PRESIDENT:

16 Co-Prosecutor, you may proceed.

17 [09.35.08]

18 MR. ABDULHAK:

19 Thank you, Mr. President.

20 Yes, indeed, we agree that the document was placed on the
21 interface, both - in fact, both by the Defence and by us.

22 Unfortunately, I don't have access to the network at the moment,
23 but I'm quite certain this document was on our Rule 80 document
24 list, as part of Annex 12. I don't believe it was put forward by
25 the Defence, but I believe it was put forward by us, and it was

14

1 also included in a recently revised Annex 12, which was only
2 filed approximately two weeks ago.
3 So that's - that's the information with respect to this document.

4 MR. PRESIDENT:

5 Thank you.

6 Lead Co-Lawyer for the civil party, you may proceed.

7 MS. SIMONNEAU-FORT:

8 Yes, thank you, Mr. President.

9 If the document is on a list, that shouldn't pose any problem.
10 However, for reasons of fairness, may I request that the rule
11 apply to all decisions of the Chamber? I believe that the
12 document is on the Co-Prosecutor's list. In any case, I do hope
13 so.

14 [09.36.27]

15 MS. GUISSÉ:

16 Yes, Mr. President, my team has just confirmed that that document
17 is indeed on the Co-Prosecutor's list. And I crave the Court's
18 indulgence for not having been able to provide this information
19 more expeditiously.

20 Mr. President, may I proceed?

21 MR. PRESIDENT:

22 You may proceed with the question.

23 BY MS. GUISSÉ:

24 Q. Normally, Mr. Witness, the extract of that statement should be
25 placed on the screen. I have already given the ERN numbers. And

15

1 this is what you stated during the 2003 interview you granted to
2 DC-Cam: "I joined the Vietnamese army fighting along the banks of
3 the Bassac River."

4 Court's indulgence; Mr. President, do I have your leave to place
5 this document on the screen so that the witness, and possibly the
6 public, may be able to view it?

7 [09.38.12]

8 MR. PRESIDENT:

9 So, we just do as what we have done. The document is displayed on
10 the screen, but if the witness says that he has not seen the
11 document, it is withdrawn.

12 But before it is placed on the screen, you should show the
13 document to the witness first to see whether the witness has seen
14 that document, but if the witness says that he has not seen that
15 document, the document has to be withdrawn.

16 BY MS. GUISSÉ:

17 Very well. That was mainly for the purpose of facilitating
18 things. So I will make do with reading the document. The
19 principle is that it is a transcript of an audio recording so I
20 just wanted to refresh the witness's memory by showing him the
21 contents of the transcript of this recording of the interview he
22 granted to DC-Cam.

23 [09.39.18]

24 Q. Witness, you confirmed a while ago that your interview was
25 recorded - the interview you granted to DC-Cam. My question to

16

1 you is whether you have ever seen the transcript of this audio
2 recording.

3 MR. RUOS SUY:

4 A. I cannot remember all the points as I have said because I
5 focus only on my living condition, on earning my living. And, of
6 course, I have given interviews, but I cannot remember all the
7 details.

8 Q. I conclude, therefore, that you did not see the transcript.

9 And my question to you is as follows: If I were to read an
10 extract of this interview, would that be able to refresh your
11 memory? In any case, everyone in this courtroom is aware that you
12 cannot remember all the details. So my objective is to refresh
13 your memory.

14 [09.40.36]

15 This is what transpires in this transcript of your interview with
16 DC-Cam in 2003. You responded to the interviewer questioning you
17 as follows: "I joined the Vietnamese military fighting along the
18 Bassac river front, but after they mistreated me badly, I decided
19 to defect from their unit."

20 My question to you is as follows: Does this refresh your memory
21 as to the reasons why you left the Vietnamese army in order to
22 join the Khmer military?

23 A. I can remember some points especially the point that I have
24 said earlier regarding the decision to leave the Vietnamese troop
25 because I have been - I was mistreated by the Vietnamese troop.

1 But I have not given the details regarding that reason, so the
2 main reason is that.

3 Q. Thank you. Let us move to another point.

4 You stated that you joined the Khmer Rouge in 1973. What role did
5 you play from 1973 to April 1975? What role did you play within
6 that army?

7 A. On the 15 of April of 1973, after I left the Vietnamese army,
8 I looked for the Khmer army. So at the time I did not have clear
9 destination; I did not know where to go. And then I went to Svay
10 Chek village and I met a unit over there and I joined that unit.
11 So my first objective was to become a combatant.

12 [09.43.07]

13 Later on, after I stayed there for long, I was assigned to be in
14 the Economic Section and I became a chief. So this is what
15 happened from 1973 to 1975 when I was in the economic unit. I was
16 a group chief and the members or my subordinates, the number of
17 my subordinate was not regular. Sometime there were up to 50
18 members. So those members came from the defrocked monks, for
19 example. So those forces were sent to my unit; they were
20 educated, but of course, they were not forced and after they got
21 training they were sent to the battlefield. So the number of the
22 forces in my unit was not stable in fact.

23 Q. Pardon me, Witness, for interrupting you. Thank you for your
24 detailed answer. I am trying to put short questions to you
25 because we do not have much time and I hope that your answers

18

1 will also be brief. If need be, and I need more clarifications, I
2 will ask further questions.

3 My question to you is as follows: As of April 1975, following the
4 victory of the Khmer Rouge, where were you assigned; to what post
5 were you assigned? Or rather, pardon me; I would like you to
6 clarify something you said. You referred to the Economic Section
7 in the Khmer Rouge army. In concrete terms, what were the duties
8 of your section? What were its responsibilities?

9 A. You asked me the period before I went into Phnom Penh or after
10 I went to Phnom Penh?

11 [09.46.04]

12 Q. I am referring to the period before you went to Phnom Penh.
13 You told me that you were a member of the Economic Section. Can
14 you tell us in concrete terms what exactly were your duties or
15 the duties of that Economic Section?

16 A. After I was assigned to be in charge of economics, I was not
17 the - I was not overall in charge of the whole unit but I was in
18 charge of a small unit. I was in charge of food supply for the
19 army; but of course, there were my superior as well, but I am --
20 I was responsible for collecting food and the food would be sent
21 to the front line, to the battlefield.

22 Q. Thank you for this clarification.

23 Let us now talk about the period as of April 1975. What were your
24 assignments after the victory, and where were you assigned?

25 [09.47.34]

1 A. After the collapse of Phnom Penh on the 17th of April, my
2 economics unit was allowed to go into Phnom Penh and then a new
3 unit was created and I became a chief -- the chief of a 15 member
4 unit. So, in my unit, at the beginning, there was an office
5 called Office 311. My unit was assigned to stay at Kampong Tik
6 Kak warehouse, in front of Phsar Thmei.

7 Q. And what did you do, what work did you carry out at the
8 warehouse?

9 A. When I was staying east of Phsar Thmei, I did not do the
10 responsibility of the work of my unit at all.

11 Q. For how long did you work at that first warehouse?

12 A. I would like to describe what happened over there. So, after I
13 stayed over there, at the beginning, I did not know about the
14 work of my unit, but later on, I knew that my unit was in charge
15 of a warehouse.

16 [09.49.39]

17 At that time, there were two regiments - sorry, there were two
18 companies, and my unit was in charge of a warehouse, and I was
19 still the chief of a 15 member unit. And later on another 15
20 member unit was created so that we could manage or we could
21 manage the list of the people over there, the list of the
22 inventory in the warehouse. And later on I became in charge of
23 the warehouse.

24 Q. Very well. If I understand correctly, your unit was in charge
25 of managing of the warehouse. And my question to you is: For how

1 long did you stay at that warehouse near Phsar Chas?

2 A. I worked over there from 1975 until 1976, and then I was
3 transferred to Kilometre Number 6. I worked over there in late
4 1976.

5 Q. And was Kilometre 6 also the site of another warehouse?

6 A. Yes, it was also a warehouse. It is a branch of the warehouse
7 unit. There was a branch in Kilometre Number 6, another branch at
8 Chrouy Changva, and the branch at Kampong Tik Kak.

9 [09.51.58]

10 Q. When you talk of warehouses, do you mean that there were four
11 warehouses in all from what you have just stated?

12 A. The warehouse along the river, it was located in front of Wat
13 Phnom, and another branch was in Chrouy Changva, and the other
14 one was in Kilometre Number 6.

15 Q. Very well. You stated that in 1976 you arrived at the
16 Kilometre 6 warehouse. Did you stay there up until the Vietnamese
17 attack?

18 A. Yes, after the fall of Phnom Penh I moved out of that
19 warehouse.

20 Q. Was there a warehouse at Kilometre 9?

21 A. I did not know about that. I know only about the warehouse
22 unit.

23 [09.53.46]

24 Q. If I understand you correctly, between 1975 and 1979, you only
25 worked at two warehouses; is that correct?

1 A. Yes, it is correct.

2 Q. Let us now talk about your work at the warehouses, but before
3 we do that, I would like to know whether during the period from
4 April 1975 and January 1979 you knew the organs of the CPK and
5 you knew the leaders of Democratic Kampuchea.

6 My first question is as follows: Do you know what was the
7 permanent committee of the CPK, the Standing Committee of the
8 CPK?

9 A. Regarding your question, regarding the Standing Committee, I
10 do not know much about that because that was the work of the
11 upper level and I knew nothing about that.

12 Q. Is that the same -- does the same applied to the Central
13 Committee of the CPK?

14 A. I did not know about the Central Committee of the CPK. I knew
15 only that Pol Pot was announced as the Secretary of the CPK, the
16 prime minister of the Democratic Kampuchea.

17 [09.56.08]

18 Q. Thank you.

19 Do you know Offices K 1 and K 3?

20 A. I did not know those offices and I have never heard of those
21 offices.

22 Q. Do you know Office 870?

23 A. No, I did not know that office but I have heard the name of
24 that office, Office 870.

25 Q. Do you know who headed that office, 870?

1 A. At that time, I did not know about that.

2 Q. And, do you know, what were the functions of that office?

3 A. No, I did not know.

4 [09.57.43]

5 Q. Between 1975 and 1979, did you ever work with S 21 Security
6 Centre?

7 A. I never worked with the S 21 Security Centre. I did not know
8 about that security centre at all.

9 Q. Did you work at the Commerce Committee or in the Commerce
10 Committee between 1975 and 1979?

11 A. No, I never worked with the Commerce.

12 Q. Did you ever work with the Industrial Committee?

13 A. Regarding the Industry, I used to only transport products from
14 factory, and those products were stored in the warehouse and
15 that's all.

16 Q. Thank you for these clarifications.

17 Let us go into greater detail regarding your daily work at the
18 warehouse, but before we do so, I would like to put some
19 questions to you regarding the officials of Democratic Kampuchea,
20 the people who worked in the regime. I would like to know whether
21 you know them.

22 Do you know a person by the name Sar Kimlomouth?

23 A. No, I don't know him.

24 [10.00.10]

25 Q. You told us that you knew that Pol Pot was the CPK Secretary.

1 Did you work directly with him?

2 A. No, I didn't, nor had I ever even spoken to him in person.

3 Q. Did you know somebody called Pang?

4 A. Yes, I did, but I had heard of him; I never met him in person.

5 Q. So when you say you knew him, what you mean is you knew him by
6 name; is that correct?

7 A. Yes, it is. I have heard of his name.

8 Q. Do you know what his job was?

9 A. No, I didn't. I had heard only of him, that's all.

10 Q. What about somebody called Doeun? Did you know him?

11 A. No, I didn't.

12 [10.02.05]

13 Q. Perhaps I have a difficulty with the pronunciation. It's
14 written D o u n g (sic), so I hope I'm pronouncing it correctly -
15 Doeun. Doeun. Perhaps I could be assisted so the witness can
16 understand who it is I am talking about.

17 A. I knew the name you pronounced, but I -- no, the name was
18 correct, but I didn't know him.

19 Q. Did you never meet him? Even see him from afar without
20 actually speaking to him? Did you actually see the person?

21 A. As I already said in my interviews, sometimes I saw people who
22 would come to the warehouses but I did not pay great attention to
23 knowing their names, because I had to fulfil my duty, and I did
24 not even rush to see who would be coming to the warehouses, it
25 was not of my great interest.

1 Q. I might come back to this point in a little time, but first,
2 I'd like to ask you who your direct supervisors were in the
3 warehouse?

4 A. At the warehouses in Kampong Tik Kak, Chrouy Changva, and
5 another location, these warehouses are supervised by a person by
6 the name of Roeung, and other people also, whom I don't know.

7 [10.04.39]

8 Q. What about the name Teng, T e n g, does that ring a bell with
9 you?

10 A. Yes, it does.

11 Q. And who was he?

12 A. Teng was Mr. Roeung's deputy.

13 Q. Did you know somebody called Vorn Vet?

14 A. I had heard of him; I never met him in person.

15 Q. Did you work with him or his office as part of your warehouse
16 job?

17 A. No, I didn't. I did not have any work relation with him.

18 Q. Do you know Van Rith?

19 A. Yes, I do, very well.

20 [10.06.36]

21 Q. What was his position between 1975 and 1979, if you know?

22 A. Between 1975 and 1979, I did not engage in any appointments or
23 recruitments setting, but I knew that Mr. Van Rith was in charge
24 of Commerce.

25 Q. Did you ever work directly with him?

1 A. No, I didn't work directly with him.

2 Q. Did you know Koy Thuon?

3 A. I had heard of him, I never met him in person.

4 Q. Thank you very much for those details.

5 You talked to me about Roeung as being somebody who was in charge
6 of the State warehouses. Did you know the hierarchical structure
7 for the State warehouses and who was his superior?

8 A. I don't know who his superiors could have been, I'm afraid.

9 Q. Do you know what the governing structure above the warehouses
10 was like?

11 [10.09.03]

12 A. I only knew that when commodities or goods had to be
13 distributed to sectors, I learned that documents were sent from K
14 25 requesting for goods to be distributed to various locations.
15 These were the letters I knew that were sent from that office,
16 and I do not know who would be overly in charge of these houses
17 or above.

18 Q. Who gave you your orders in your work?

19 A. When it comes to orders, I received them from Mr. Roeung. For
20 example, upon having received the documents regarding the
21 distribution of goods to different places, then I would need to
22 upload the goods onto the trucks before they could be transported
23 to respective destinations.

24 Q. Do you know anybody called Chuon - C h u o n?

25 A. Could you please repeat that question?

1 [10.11.10]

2 Q. Are you aware of somebody called Chuon – C h u o n?

3 A. Yes, I know this person.

4 Q. Who was he and what were his duties?

5 A. Mr. Chuon was the third person in the Warehouse Committee,
6 because this committee comprised of three people: Mr. Roeung was
7 the head, and another person, and Mr. Chuon was a member in the
8 committee.

9 Q. Was the other person the Teng person that we mentioned a
10 moment ago?

11 A. Yes, it is correct. It was Teng who was Mr. Roeung's deputy.

12 So in other words, in that committee there was three people:
13 Roeung as the head, Teng his deputy, and Chuon his member.

14 Q. Thank you for those details.

15 Are you aware of Office K 7? You mentioned K 25, but did you know
16 about K 7?

17 A. No, I don't know anything about K 7?

18 Q. Apart from the work that you did in the warehouse, did you
19 have other responsibilities or duties?

20 [10.13.50]

21 A. No, I didn't. I had no other duties other than those in the
22 warehouses.

23 Q. In the warehouse, were you basically concerned with receiving
24 and delivering produce or were there other activities as well?

25 A. Personally, I was tasked with the warehouses' duties. At

1 Kampong Tik Kak, I was tasked with transporting materials to be
2 stored in the warehouses, and at the same time, I had to receive
3 orders or instructions from superiors before the rice, for
4 example, and other items could be requested and transported to
5 the requestors or have them stored in the warehouses. So, that
6 was part of my main duty. And by the end of each month, I would
7 have to file a report detailing all the items or materials that
8 had been transported to different destinations, and Roeung was
9 the person I reported to.

10 [10.15.41]

11 Q. Thank you.

12 I'd like to delve a little bit deeper into the actual produce and
13 materials that were stocked in these warehouses. You've mentioned
14 rice, but what other kinds of products were stored in these
15 warehouses?

16 A. In the warehouses, in particular in the warehouse in Kampong
17 Tik Kak, there were things like materials transported from a
18 foreign country, including hose, fabrics, steels, and screws,
19 etc. For the warehouse at Kilo Number 6, there were materials
20 transported - or produce, transported from the bases, including
21 rubber or resin, salt, rice, etc.

22 Q. What was the destination of these products?

23 A. As I already testified earlier on, after these products, or
24 produce, were stored in the warehouses there would be requests
25 for the products, or produce, to be transported or distributed to

28

1 other locations. Now, I'll give you an example. One particular
2 zone may request for some cement that was stored in the
3 warehouse, or pairs of shoes, or garments. Then we had to
4 entertain the request through Mr. Roeung. Mr. Roeung would then
5 render the request to his subordinates – and I would be one of
6 them – to ensure that these things would be then transported to
7 the requestors.

8 Q. But how did the zones make their requests? In what particular
9 shape or form?

10 [10.18.40]

11 A. I do not know how such requests could have been made. I only
12 noted that documents were sent out from K-25 and I was instructed
13 by Mr. Roeung to proceed with the inventory, for example the list
14 of items to be sent out to the requestor; and I was busy
15 entertaining the requests to know what could have been the method
16 of instruction rendered from the zone.

17 Q. Perhaps we have an interpretation problem here. I understand
18 that you received instructions from Roeung, who himself received
19 instructions from K-25. Have I got it right?

20 A. That is correct.

21 Q. Do you know how the items were obtained, which was then
22 redistributed to the bases you talked about? Products coming in
23 from abroad, in that case, do you know what particular countries
24 these products came from?

25 [10.20.26]

1 A. I don't know where they could have been transported from. The
2 only thing I know is that whenever these materials were
3 transported from abroad then we had to unload them from the
4 train. I don't know where - which country these items were sent
5 from.

6 Q. You told us about products coming in from abroad, but were
7 there also Khmer products within the warehouses where you were
8 that were destined for export?

9 A. In the warehouses we exported only rubber and rice. These
10 produce would be transported through train.

11 Q. In the warehouses where the rice was stored, was that rice
12 exclusively for export or was it also for consumption within
13 Kampuchea?

14 [10.22.20]

15 A. The rice and the unhusked rice that was stored in the
16 warehouse, first they had to be transported from sectors and
17 zones, and we learned that at that time we had to transport the
18 rice for the state. This was part of the slogan. I know for sure
19 that the rice had to be transported and stored in the warehouses,
20 and I don't know whether the rice was destined for local
21 consumption or not. But I knew that rubber and rice were
22 requested to be exported to foreign countries. I just don't know
23 which country they would be transported, because upon receiving
24 the request we would then employ some workers or porters to load
25 these rubber or rice onto the wagons of the freight train, and

1 that's all I know. I don't know which country these produce would
2 be transported to.

3 Q. Did you ever prepare produce, such as rice, during your work
4 so as to ship it out to the zones?

5 A. Rice was not supposed to be redistributed to the zones or
6 sectors, but the other way around. Because we had to transport
7 the rice only to the warehouses before they could be exported to
8 a foreign country, and we waited to distribute this rice to the
9 foreign country, and to be precisely clear, it is - rice would
10 never be redistributed to the zones or sectors, but the other way
11 around.

12 [10.24.59]

13 Q. Let me now refresh your memory once again. Because, in fact,
14 you brought up the rice question when you were talking in 2003
15 with a DC-Cam researcher, and I'd like to look at an extract of
16 what you said during that interview. This is still document
17 19.158 - ERN in French, 00899462; in Khmer the ERN is 00008293
18 and over the page; and in English it's 00710521. The researcher
19 is talking about exporting and importing rice. In French it's the
20 page just before it, 00899461.

21 And the question that you're asked on the subject is: "Was most
22 of the rice exported or distributed in the country?"

23 And you said that: "Less rice was exported than was distributed."

24 And the researcher says: "Rice export was less?"

25 And you answer that: "The rice export was less than that of

1 domestic disbursement."

2 So does this help you to remember about how things were done in
3 the State warehouses for rice distribution?

4 [10.27.40]

5 A. When I gave interview to the researcher, perhaps my message
6 was not properly received. Today I'm telling the truth, and
7 again, I think he mis-conveyed the message because, at that time,
8 I said that - when I said less rice exported, I was referring to
9 the rice that was distributed for the local consumption, which -
10 I was talking about the rice. Indeed unhusked rice were - was not
11 exported in a large amount. Unhusked rice would be used for local
12 consumption, when the husked rice would be then exported in a
13 great amount.

14 Q. Very well. So we're talking about two kinds of rice that you
15 make distinction between. But there was, nevertheless, one
16 certain kind of rice that was destined for local requirements,
17 for the local population. Am I right in understanding that from
18 your answer?

19 [10.29.33]

20 A. Allow me to clarify on this. So far no milled rice was ever
21 distributed to the people in the local - in Cambodia. But they
22 were - it was destined for exporting. However, when time passed,
23 rice production decreased, that's why exports also decreased.

24 Q. When rice production dropped, exports also dropped; is that
25 what you are saying?

1 A. Yes, it is correct.

2 Q. I would like to talk specifically about Mr. Khieu Samphan. Did
3 you know him at the time between 1975 and 1979?

4 A. I knew him. But of course, I was not close to him. I just saw
5 him only.

6 Q. Let us now talk specifically about the times when you saw him.
7 But before we get there, do you know the post he occupied in the
8 Democratic Kampuchea regime?

9 [10.31.51]

10 A. From 1970, to 1973, to 1975, I never saw him. However, after
11 Samdech appealed to the people to struggle, to rise up, to
12 struggle to liberate the nation, then I only knew that Hou Youn,
13 Hu Nim, and Khieu Samphan were the leaders of the movement. But
14 later on, in 1975 -- from 1975 until the announcement of the
15 Prime Minister, then I realized that Khieu Samphan was not the
16 top leader or the senior leader.

17 Q. How did you know that he was not a senior official? What makes
18 you think so?

19 A. Civilian or soldier believed that the three people were the
20 big leaders, or the top leaders. However, when Prime Minister was
21 declared or was announced, we all realized that he was not the
22 top leader at all.

23 Q. Are there other reasons that made you to think or to
24 understand that he was not a senior official?

25 [10.34.07]

1 A. I knew about them not because I attended any meeting or any
2 discussion with the senior leaders. But in each unit we met with
3 our colleagues, we discussed with each other and then we knew,
4 leader was not the most senior leader or the top leader. But of
5 course, I did not know clearly about his rank.

6 Q. Let me repeat the question I put to you a while ago. Did you
7 see him before -- between 1975 and 1979?

8 A. I used to see him, but I could not remember -- I cannot
9 remember the date. As you know, at that time we did not know
10 whether this is Monday, Saturday, Sunday or Thursday. No, because
11 we focused only on our work. We were afraid of making mistakes.

12 Q. Where did you see Mr. Khieu Samphan?

13 A. I saw him when he called me to attend study sessions. So at
14 that time I saw him.

15 [10.36.03]

16 Q. I will revisit that point. But did you see him on any other
17 occasion?

18 A. No.

19 Q. I would like to refresh your memory with your statement before
20 the Co-Investigating Judges. But let me ask one question before
21 that. You talked about a visit by someone to your warehouse. Do
22 you recall a time when Mr. Khieu Samphan came to visit your
23 warehouse?

24 A. Of course I used to see him visit the warehouse, but I did not
25 get close to him, but I just knew that he came to visit the

1 warehouse.

2 Q. Let me refresh your memory regarding the circumstances of that
3 visit. In your statement before the Co-Investigating Judges-
4 And by the way, may I request that the statement be shown to the
5 witness? E3/469.

6 [10.38.18]

7 MR. PRESIDENT:

8 You may proceed.

9 Counsel, it is now time for adjournment. The Court will resume by
10 11 o'clock.

11 Court officers are directed to take Mr. Witness and assist him
12 during the break and bring him back to the courtroom at 11
13 o'clock.

14 The Court is adjourned.

15 (Court recesses from 1038H to 1100H)

16 MR. PRESIDENT:

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

18 And without further ado, we would like to now hand over to
19 counsel for Mr. Khieu Samphan to continue putting questions to
20 the witness.

21 BY MS. GUISSÉ:

22 Thank you, Mr. President.

23 Q. Mr. Witness, before we go back to the document that you were
24 given before we broke just now, I'd like to come back to this
25 question of the individual named Doeun. And you said that you

1 don't remember having seen him over the period we're talking
2 about.

3 [11.01.54]

4 Now, I would like to read to you a part of the transcript of your
5 second interview with DC Cam, dated 14th of September 2004. The
6 document is E190.1.67. The French ERN is 00753015; the Khmer ERN
7 is 00020063; and in English, 00703027.

8 And the researcher asks you: "Do you know who was the chief at K
9 27?"

10 And your answer is: "I only know that Pang was a chief; he was an
11 office chief. And another one was Doeun, about whom I was
12 confused. Doeun often came to the warehouse to do inspections, so
13 I conclude that Doeun was in charge of the warehouse."

14 So my question to you is: Does that help your memory about
15 Doeun's frequent inspection visits to the warehouse?

16 [11.03.54]

17 MR. RUOS SUY:

18 A. My memory was not that clear at that time, because as I told
19 you, I did not pay attention to what happened, and we - or I
20 never met the person who came to do the inspection. Only upon
21 their leaving the premises that I would hear from colleagues, who
22 could be coming to the warehouse.

23 And when it comes to Pang, as the head of the office, it was part
24 of my speculation and - or conclusion, because I could feel that
25 if someone who had nothing to do with the warehouses, they would

1 never come to do the inspection.

2 Q. So what I should understand is that you have never seen Doeun?

3 A. I never saw Doeun nor Pang.

4 Q. Excuse me, Mr. Witness; apparently your last answer was not
5 entirely clear, so I'm just going to ask once again. Should I
6 understand from that answer you gave us that you've never seen --
7 you never saw Doeun at the warehouse, you, yourself?

8 A. No, I never saw him, but as I said earlier on, some senior
9 people were seen coming to the warehouses, although I don't their
10 names. And again, regarding Pang and Doeun, it was my pure
11 surmise that they were overly in charge of the office. If they
12 had nothing to do with this they would never pay a visit to the
13 warehouses.

14 [11.06.34]

15 Q. You mentioned a visit by Mr. Khieu Samphan to the warehouse,
16 while adding that you don't remember the date. In E3/469, that
17 you have before you - on top, on the left, you have the Khmer
18 reference, 00172052; the French ERN is 00524390; and in English,
19 00205113 - where you refer to Khieu Samphan's visit to the
20 warehouse, and you say that Khieu Samphan was startled to learn
21 that cadre members did not have enough to eat, that they only ate
22 gruel.

23 Now, how did you know that he was startled? And on what
24 particular occasion did you talk about the cadre members' diet
25 and the gruel they were eating?

1 [11.08.08]

2 A. I never forget that I have said Mr. Khieu Samphan was startled
3 to learn that cadre members did not have enough to eat. It
4 happened, when subordinates at the warehouses had to be called to
5 attend sessions, when he would chair, regarding how we can
6 properly keep the materials safely in the warehouses. After the
7 study sessions, each groups would convene sessions for
8 discussion, but we just speculated, we just concluded that Mr.
9 Khieu Samphan chaired the meeting and that he -- the sessions,
10 and he would be surprised to learn that other units did not have
11 enough to eat.

12 So we, just during this private discussion or conversation,
13 believe -- we believed that Mr. Khieu Samphan could have been
14 surprised to learn that members or cadre members did not have
15 enough to eat, and I still stand by this statement.

16 Q. Again, to refresh your memory, I'd like to read an extract
17 from your second interview with DC Cam in 2004. In French the ERN
18 is 00753000; in Khmer - I'll repeat the French, 00753020; in
19 Khmer, 00020067; and in English, 00703031. And there you talk
20 about diet with Steve, who is questioning you - the diet inside
21 the warehouse.

22 And Steve says: "Was that sufficient?"

23 And you answer: "Rice was shared among us, but there was not
24 gruel, we had rice of this paper size. The rice was divided into
25 four shares, one for each person, but there was no food ratio,

1 but we never ate gruel."

2 [11.11.45]

3 My question to you is: If you never ate gruel, how is it that Mr.
4 Khieu Samphan could have been so startled to see people doing
5 precisely that?

6 MR. PRESIDENT:

7 Mr. Witness, please hold on.

8 International Co-Prosecutor, you may now proceed first.

9 MR. ABDULHAK:

10 Your Honours, I object to this question. It's seeking to elicit
11 entirely speculative evidence.

12 To ask this witness what his speculation - what he was
13 speculating about - what was in Khieu Samphan's mind is not
14 appropriate. There is no evidential value in what he thinks Khieu
15 Samphan thought, when he had no discussion with Khieu Samphan
16 about this.

17 So we object to the question; it's entirely speculative.

18 [11.12.38]

19 BY MS. GUISSÉ:

20 Q. Mr. Witness, I have just quoted a statement about the rations
21 you received in the warehouse. Is it accurate? Is that what you
22 did say to the person who was asking you questions on that day?

23 MR. RUOS SUY:

24 A. Yes, it is correct, and with your help to refresh my memory, I
25 can confirm that we did not have enough to eat. The rice was

1 steamed, and they shared into four shares so that we could have
2 this rice, but normally our normal meal would be nothing but
3 gruel.

4 [11.13.40]

5 Q. I think it's best if we move on to another subject, time being
6 somewhat limited.

7 Another point that I'd like to draw your attention to, Mr.

8 Witness, is the - or, rather, the observations you made during
9 Khieu Samphan's visit. And in your talks with DC Cam, in French
10 ERN, 00753016; in Khmer, 0002063; and in English, 00703028, and
11 on the subject of Mr. Khieu Samphan, what you say is that "Khieu
12 Samphan had an accessory set of duties. His work was social in
13 nature. The president of the Presidium did not do vital work. All
14 of the regulations were handled by the Party. That's why when he
15 went to working meetings, even by looking at his shoes or car you
16 could see that he wasn't living in luxury like the others. And
17 that's what I saw when he came to see the warehouse. He had no
18 car and his shoes were worn out and these were the accoutrements
19 he used to wear when he went off to work, and he didn't swank
20 around like the others."

21 Do you hold by these observations that you made and do they in
22 fact, correspond to what you saw at the time?

23 [11.16.01]

24 MR. PRESIDENT:

25 Counsel, please - rather, Witness, please hold.

40

1 International Co-Prosecutor, you may now proceed.

2 MR. ABDULHAK:

3 Your Honours, I object, because there were about three or four
4 different assertions lumped into one. They should be put to the
5 witness individually.

6 We heard earlier, this witness had no knowledge of the upper
7 levels of government and CPK. He is now being asked to opine
8 about the powers of the Presidium.

9 Now, if my learned friend wishes to ask him about his prior
10 statements, she should do so one at a time so that we can then
11 obtain specific answers on each fact and understand what the
12 witness's evidence is based on, as opposed to lumping together a
13 whole series of fact, including speculation.

14 [11.16.50]

15 MS. GUISSÉ:

16 Briefly, Mr. President, I'm not really mixing everything up
17 together, I'm simply quoting an entire answer by the witness to a
18 question. So I have not divided up different statements. He was
19 there at the interview and he was indeed saying this - or,
20 rather, my question is to ask him if this is indeed what he said,
21 and the Chamber will appreciate on the basis of his response, but
22 all I did was to actually quote a part of his response without
23 doing any cutting or pasting or anything of that kind.

24 If, Mr. President, we can continue, I'll repeat my question.

25 BY MS. GUISSÉ:

1 Q. Was this description that you gave of Mr. Khieu Samphan at
2 this visit to the warehouse a good reflection of what you did
3 indeed see at the time?

4 MR. RUOS SUY:

5 A. Yes, it was. It is true, and I stand by that statement.

6 [11.18.00]

7 Q. One final point. You made reference to education sessions with
8 Khieu Samphan. What was the subject of those sessions?

9 A. I did not understand the topics or the objective of the study
10 sessions, but I still recall some of the instructions he provided
11 to us. He just asked us to manage the materials, to keep the
12 materials in the warehouses properly, and how to maintain them.

13 Q. If my understanding is therefore correct, Mr. Witness, the
14 training that you were given by Mr. Khieu Samphan was on the
15 technical aspects of warehouse management; is that correct?

16 A. Yes, it is correct.

17 Q. Did he give you political teaching at any particular juncture?

18 A. No, he didn't, because he only instructed us - he only talked
19 to us about our duties as the people who had to make sure that
20 the produce by the people who had to work very hard be properly
21 managed because we had to be honest to the people who did their
22 best to harvest this produce.

23 [11.20.27]

24 Q. Thank you.

25 Now, this is really my last point. In your two interviews with DC

1 Cam, and for that matter, also to the investigators from the
2 OCIJ, you referred to Koy Thuon's confession, and in the
3 different statements, it emerges that you heard that confession
4 on a tape recording. But in your statement to the Co
5 Investigating Judges – the French ERN is 00524389; in Khmer,
6 00172050 and the subsequent page as well; and in English,
7 00205112 – you say that while the tape was playing, Khieu Samphan
8 was present. And then when you're asked, "How many times did Nuon
9 Chea and Khieu Samphan play Koy Thuon's confessions?", you say:
10 "It was just Nuon Chea who played the confessions, which I heard
11 only once."

12 [11.22.25]

13 We seem to be in a contradiction here, so what we can do is
14 listen to the recording of your statement to the OCIJ. This is
15 audio file D94/16R, and in this, when the recordings were played,
16 it emerges that you said that Mr. Khieu Samphan was not there.
17 My question to you is: Do you remember this incident and do you
18 confirm what you said to the Co-Investigating Judges? And I'll
19 just tell you the minutes on the recording: 1 hour, 09, 37
20 seconds; 1 hour, 10, 52 seconds – that's the span.
21 And when you were asked, "Did K.S. participate in that listening
22 to a recording?", and you answered, "No", can I ask you,
23 therefore, if – whether or not Khieu Samphan was present for
24 that?

25 A. If my memory serves me very well, he was not present. Perhaps

1 it was a kind of misunderstanding, but I remember clearly, I said
2 that Khieu Samphan was not present.

3 [11.24.40]

4 MS. GUISSÉ:

5 I'd like to thank you for giving me your time, and now I would
6 like to hand over to my colleague to continue with my
7 questioning. Thank you, Mr. Witness.

8 QUESTIONING BY MR. KONG SAM ONN:

9 Thank you, Mr. President. And good morning, Your Honours, and
10 good morning to you, Mr. Ruos Suy. I am Kong Sam Onn, counsel for
11 Mr. Khieu Samphan. I have just a few questions regarding your
12 statements.

13 Q. Just now, you said, about K 25 office, the office which sent
14 out their requests to your superior by the name of Roeung to
15 request for items to be redistributed from your warehouses. Can
16 you tell the Chamber, please, what K 25 was?

17 [11.26.08]

18 MR. RUOS SUY:

19 A. To respond to your question, I may say that I do not know what
20 this office was and who was overly in charge of it. I said it
21 clearly. I only knew that requests were sent out from this office
22 for the items to be redistributed from the warehouses I worked
23 at. So that's all I know and I only knew the code numbers on the
24 letters of request and I know nothing else.

25 Q. Can you tell the Chamber also, where you found the code

1 number? On which form or letters did you find this code?

2 A. I don't remember this. I know for sure that every time
3 document was sent in a form of request or invoice, for example,
4 Roeung would then pass them on to me, telling me that the
5 requests were made from this particular unit, or from Office 25,
6 and I would then have to follow his instruction by distributing
7 materials to the requestors.

8 [11.27.58]

9 Q. Do you know a person by the name of Khiev Neou?

10 A. Can you please repeat that question?

11 Q. I am asking whether you know a person by the name of Khiev
12 Neou.

13 A. No, I don't know him. I don't know.

14 Q. Have you ever received or distributed materials from your
15 warehouses to the people from the southwest zone?

16 A. Yes, I have. I did. But sometimes different people would be
17 sent in from the Southwest. With that, I don't know who was who
18 for sure.

19 Q. Thank you. Do you know the person by the name of Sen?

20 A. No, I don't.

21 [11.29.23]

22 Q. I may wish to state here for your information, that Mr. Khiev
23 Neou was giving testimony here before this Chamber and there is a
24 document E1/90.1, which is the relevant document when he gave the
25 testimony. In the morning session, Mr. Khiev Neou on the 21st of

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1 June 2012, said - in it he said, before 11.44 a.m., that, "I had
2 a nephew-in-law who was attached to Mr. Khieu Samphan, and
3 through Sen I contacted Khieu Samphan and it was the approach. He
4 could reach Khieu Samphan or Khieu Samphan could reach him to
5 request for some materials."

6 And on the same document, at 15.14.02 you were asked a question
7 -- rather, he was asked a question about K-22: "Who was the
8 chairperson of K-22?"

9 And he said: "K-22 was overly in charge by Sen, his
10 nephew-in-law, and Sen was with Mr. Khieu Samphan and he said he
11 did not know more about this."

12 My question to you now is: Do you ever know what K-22 was?
13 [11.31.45]

14 A. I have heard of this office, or the name itself. I never had
15 any contact with people there.

16 Q. Did people from K-22 make any requests for materials from your
17 warehouses? I would like to restate the question. Did K-22 ever
18 send a request to you to redistribute materials to zones?

19 A. I cannot remember this, because during the course of my work I
20 had to distribute materials to different places, and after the
21 materials were transported out of the warehouses I would never
22 have a good track of where - of whom or who would have been the
23 requestors.

24 Q. So it is fair to say that it is not your - you don't remember
25 that K-22 ever made such a request for materials?

1 A. It is correct to say so. I don't remember this.

2 Q. Thank you. This morning and also in your statement you gave
3 before the co-investigators, you mentioned about the meetings and
4 study sessions in which Khieu Samphan attended. You said that the
5 sessions were conducted annually and that you had attended them
6 on four occasions. Do you still stand by your position?

7 A. Yes, I do. The statement I have provided was correct.

8 [11.34.20]

9 Q. You confirm about the study session that you attended with Mr.
10 Khieu Samphan, and Mr. Khieu Samphan advised you to take care of
11 the equipment, for example. I would like to ask you to confirm,
12 on the 5th of January 1979, did you remember attending the
13 meeting with Mr. Khieu Samphan on that day?

14 A. Yes, of course, I attended the meeting - the study session,
15 with him on the 5th.

16 Q. Can you confirm when did the study session start?

17 A. I do not remember exactly about the time, but of course I
18 remember that I attended a meeting on the 5th.

19 Q. Can you say whether it was conducted in the morning, in the
20 afternoon, or in the evening?

21 A. Of course, when we attended a meeting we would go to that
22 place in the morning. But of course, I do not remember about the
23 starting time.

24 Q. Who attended that study session at the time? Were there many
25 participants and where did they come from?

1 A. I did not know them. I just know that I just focus only on the
2 people from the warehouse unit only. I did not pay attention to
3 the others.

4 Q. So how many people from the warehouse unit attended that study
5 session?

6 [11.36.44]

7 A. I do not remember the exact number, but of course, the leader
8 of the battalion, company, and the group chief attended that
9 study session.

10 Q. So what did Mr. Khieu Samphan talk about or lecture during
11 that period?

12 A. After the situation in Phnom Penh changed he called us so that
13 he could give advice, inform us about the situation in Cambodia,
14 and he told us that he had -- we have to leave Phnom Penh
15 temporarily. I do not remember the contents of the other. I just
16 remember that he told us to leave Phnom Penh temporarily.

17 Q. Do you have anything else to add?

18 A. No, I have nothing else to add.

19 [11.38.22]

20 MR. KONG SAM ONN:

21 Thank you very much for your response to my questions. I do not
22 have any other questions.

23 MR. PRESIDENT:

24 Next we would like to hand over to the Co-Prosecutor to put
25 questions to the witness.

1 QUESTIONING BY MR. ABDULHAK:

2 Thank you, Mr. President. And good morning again to you, Your
3 Honours and Counsel. And good morning to you, Mr. Ruos Suy, and
4 thank you for coming to assist the Court with your knowledge of
5 the events during the Democratic Kampuchea regime. My name is
6 Tarik Abdulhak, and I will be asking you a number of questions,
7 together with my colleague from the Office of the Co-Prosecutors,
8 about the topics you've been discussing this morning.

9 [11.39.29]

10 Q. While it's fresh in our minds, I might start with this last
11 meeting that you've just described, which took place on the 5th
12 of January.

13 Focussing on who attended the meeting - and I'm looking here at
14 your statement to the researchers from DC-Cam. This is document
15 19.158, and the relevant ERNs are: Khmer, 00008336; French,
16 00899501; and English, 00710554.

17 First, you were asked: "What leadership levels attended that
18 meeting?"

19 And you responded: "There was just Khieu Samphan."

20 And the next question was: "Who else did he call to attend the
21 meeting?"

22 You responded - quote: "They were from different ministries and
23 offices. They were the leaders from the army, Industry, Commerce,
24 and State warehouses."

25 Is that correct, Mr. Suy, that people that attended the meeting

1 included "leaders from the army, Industry, and Commerce", apart
2 from the State warehouses?

3 [11.41.36]

4 MR. RUOS SUY:

5 A. Yes, it is correct. But as I have clarified earlier, I say
6 that I - I want to say that I do not know them, but of course,
7 people from different ministries and offices attended that
8 meeting - that session.

9 Q. What level of military people were present at that meeting,
10 from what you were able to observe?

11 A. I do not know them; I just saw their uniforms. But I did not
12 know about their ranks. But if those people came from the
13 warehouses, the State warehouses, I would know them.

14 Q. You said Khieu Samphan called you to attend this meeting. How
15 was it that he called you? How did he summon people to this
16 meeting?

17 A. So, when Mr. Khieu Samphan called us - this does not mean that
18 he called us directly, but of course, Mr. Roeung - he may told
19 (sic) Mr. Roeung, and then Mr. Roeung told us to go over there to
20 attend the session.

21 Q. Was that the usual procedure where you attended sessions or
22 meetings with Khieu Samphan? Was that the usual procedure that
23 Roeung, the State - the head of State warehouses, would tell you
24 that you needed to attend this meeting or these meetings?

25 A. So, at the time, the situation in Cambodia changed - had

1 changed. And at the time he called us to attend that meeting
2 because maybe he wanted to tell us about the change in the
3 situation in Cambodia during that period. So this is my own
4 conclusion.

5 [11.44.26]

6 Q. Thank you. Now, looking at what was discussed at the meeting -
7 and you have already given some information, but I'll return to
8 your statement to see if we can focus in a bit - a bit more on
9 some of the details. So, Your Honours, this is the same document
10 and the same ERNs that I provided earlier; it's a continuation of
11 that text.

12 You were asked the following question: "During that study
13 meeting, did he speak about any problem with the enemy burrowing
14 within?"

15 Your response: "Yes, he did."

16 Question: "What did he say?"

17 Your response: "He said that based on his assessment, the current
18 situation might be partly caused by some internal problem without
19 which the outside enemy is not able to attack us."

20 Is that correct that Mr. Khieu Samphan said that the problems
21 with the outside enemy would not have occurred if it wasn't for
22 internal enemies, based on his assessment?

23 A. Yes, that is correct, and I stand by my statement.

24 [11.46.17]

25 Q. In the passage we looked at earlier, you said that he talked

1 about the "future plan". Can you be a bit more specific as to
2 what plan he said that you and others were to follow?

3 A. I would like you to repeat your question.

4 Q. Of course. In the passage I read earlier – in fact, I'll read
5 it again. I may have skipped this part, so I'll read it again in
6 order to be complete. You said the following as to the meeting:
7 "They were from different ministries and offices. They were the
8 leaders from the army, Industry, Commerce, and State warehouse.
9 In the meeting, he explained the situation of the Vietnamese
10 attack, the temporary retreat, and the future plan."

11 So, if we can start, perhaps, by being a bit more specific than I
12 attempted initially, is that correct that he explained the
13 situation of the Vietnamese attack first?

14 A. Yes, it is correct. Usually, during the meeting – usually,
15 when meetings were conducted, there must be clear objectives,
16 there must – clear purposes. And of course he said we left the
17 city temporarily only, and then we could plan the attack back
18 against the Vietnamese troops.

19 [11.48.34]

20 Q. So do I understand correctly that he said that the plan was to
21 leave Phnom Penh temporarily and then to plan an attack against
22 the Vietnamese forces? Am I summarizing your statement correctly?

23 A. Yes, it is correct.

24 Q. Thank you.

25 Now, looking at some of the other study sessions that you

1 attended - or earlier study sessions you attended with Khieu
2 Samphan, you said they were about - I believe the word used was
3 "technical matters" or something of that nature. I'll read to you
4 a passage from your statement and see if that assists in
5 elaborating further. So, again, this is document 19.158, and the
6 relevant ERNs for this section: in Khmer, 00008305 to 6; French,
7 00899473 to 4; and English, 00710531.

8 The question was asked: "Was only Khieu Samphan alone who taught
9 administration?"

10 And you responded: "Yes, he called us more often to study the
11 administration."

12 A little bit further down you say: "His role was to call people
13 to study and to set up the administrative structure. As for the
14 internal issues, it was Pol Pot who taught them."

15 [11.51.05]

16 Question: "Did you ever study with Nuon Chea?"

17 Answer: "Yes, I used to study with him also."

18 Question: "What did Nuon Chea teach?"

19 "He taught politics."

20 Question: "What was the difference between politics and
21 administration?"

22 Answer: "They were the same thing, but one was about how to
23 organize village and commune structure and put them in order;
24 this is just my example."

25 And then explaining that further, a little bit below, you say

1 this: "On the administration side, they talked about how to
2 organize the village structure and how to guard and protect it."

3 So I'll start with that last part first. Is that right that in
4 the sessions on administrative matters, you talked about how to
5 organize the village structure and how to guard and protect it?

6 A. Yes, it is correct.

7 [11.52.23]

8 Q. And when you say that in the - a little bit earlier in that
9 passage, that politics and administration were the same thing,
10 but one was - one dealt with how to organize villages and commune
11 structures, is that correct as well that politics and
12 administration were the same thing or, perhaps, interrelated?

13 A. From my own analysis, the administration and politics could
14 not be the same. Administrative work - in other words, politics
15 did not focus on the arrangement or organization; they just make
16 the decision. Administration referred to the implementation,
17 something that has been - has been determined, and then we have
18 to implement; so, this is administration. But politics is
19 something about setting the policy.

20 Q. Thank you. So politics is about setting the policy, and
21 administration is about implementing; is that correct?

22 A. Yes, it is correct.

23 Q. Now, let's look at some of the things you've said Nuon Chea
24 talked about. And you said he talked about politics.

25 In his study sessions, did Nuon Chea ever talk about traitors or

1 internal enemies?

2 [11.54.27]

3 A. During the study sessions with Mr. Nuon Chea, he taught us
4 politics, he taught us about the goal – the future – the future
5 goal. This is what he taught us, but I cannot remember the date
6 or the detailed contents of the study.

7 Q. Can I just have a brief answer from you? Did he talk about
8 traitors or internal enemies?

9 A. I used to study with him and I cannot remember the confession
10 made by Koy Thuon played by him. But, of course, he used to
11 describe – to mention traitors, but I do not know about the
12 traitors in detail and I did not pay attention to those traitors
13 at all – to that issue at all.

14 Q. We'll come back to what you knew in a minute.

15 But if I can just refresh your memory with an extract from your
16 interview with the investigators. This is E3/469. You have a copy
17 of that document in front of you. And if you look at the page
18 beginning with the Khmer ERN 00172052; French, 00524390; and
19 English, 00205113; you're asked the following question – quote:
20 "Other than Nuon Chea playing the tape recording, did he speak
21 about other traitors in the study session?"

22 [11.56.55]

23 Answer: "There was talk about traitors. I heard that So Phim was
24 a traitor. The person who said that was Nuon Chea. He said that
25 So Phim of the East Zone was a traitor and Koy Thuon of the North

1 Zone was a traitor."

2 Is that a correct summary of what you heard in that session when
3 Nuon Chea spoke?

4 A. Yes, that is correct.

5 Q. Thank you. Did he ever talk about what was to be done with
6 traitors or how they should be dealt with?

7 A. Besides the point that he mentioned, he also advised us to
8 conduct the investigation within our unit to search for more
9 traitors. This is what I can recall.

10 Q. And on how many separate occasions do you recall Nuon Chea
11 saying that? Was it only once or was it twice? Was it - because
12 you said to us you attended these sessions on an annual yearly
13 basis. So did he say this more than once or was it just one time?

14 A. I cannot remember exactly. I just remember that he really said
15 that. But I do not remember the exact date.

16 Q. In that same passage we were just looking or reading from, you
17 said the following: "I knew that Pang had been arrested. I
18 learned that through conversations with people in the unit. They
19 said that Pang had betrayed Pol Pot."

20 Can you describe what conversations these were? Was that part of
21 your ongoing meetings within the unit or was it a casual
22 conversation with your colleagues?

23 [11.59.48]

24 A. Regarding the conversation here, the conversation took place
25 after I came back from the study session. My friends in my unit -

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1 I have conversations with my friends in my unit, so after what
2 happened, the friends within the same unit here would talk with
3 each other, would discuss, and then they'd talk about the
4 disappearing of this person, that person. But, of course, we did
5 not know why those people disappeared, but we just knew that
6 these people disappeared.

7 MR. PRESIDENT:

8 It is now time for lunch adjournment, and the Court will resume
9 at 1.30 this afternoon.

10 Court officers are directed to assist the witness during the
11 break and bring him back to the courtroom at 1.30.

12 Security personnel are instructed to take Mr. Khieu Samphan to
13 the holding cell and bring him back to the courtroom before 1.30
14 p.m.

15 The Court is adjourned.

16 (Court recesses from 1201H to 1335H)

17 MR. PRESIDENT:

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

19 We would like to hand over to the Co-Prosecutor to continue
20 putting questions. You may now proceed.

21 BY MR. ABDULHAK:

22 Thank you, Mr. President. Good afternoon, Your Honours, and good
23 afternoon to you, Mr. Ruos Suy.

24 Q. Before the break, one of the topics we were discussing was the
25 study sessions that you attended with Nuon Chea and Khieu

1 Samphan, and you talked about some of the topics that were
2 covered in those sessions.

3 [13.36.38]

4 Now, just to expand on that, I'm going to take you or read to you
5 a brief excerpt from that DC-Cam interview that we've been
6 looking at and see if we can throw more light on these sessions.

7 So that document is 19.158 and the ERNS are: Khmer, 00008306 to
8 07; French, 00899474 to 5; and English, 00710532. And I'll - I'll
9 read two or three brief extracts and then - and then I'll ask you
10 some questions.

11 First, in relation to So Phim, you said the following - quote:

12 "I knew about it when I was called to study politics. There, they
13 spoke about who were the traitors, which string and level were
14 arrested, and in order to suppress it; we must keep an eye on the
15 hiding elements and strings that had infiltrated in us."

16 And you say further:

17 "I knew from them in the study session. For example, they told us
18 that although we had arrested some of them in the string, its
19 network still existed. They told us that they were monitoring the
20 situation constantly. They published that information in the
21 document like the 'Five Flags' journal."

22 Now, if I can stop there, who was it that taught you these
23 things?

24 [13.39.04]

25 MR. RUOS SUY:

1 A. After the study sessions, I heard So Phim was a traitor, and
2 that was told to us by Mr. Nuon Chea during the study sessions.
3 And regarding the monitoring of the network of traitors, this
4 matter was also raised during the sessions. Nonetheless, I have
5 no interest in following up what could have become of those
6 people.

7 Q. When you say this was followed up in sessions, which sessions
8 – these sessions held at State warehouses, or are they sessions
9 held at a different location?

10 A. The sessions were conducted on the dates I don't remember, but
11 they were conducted sometimes at Ounalom Pagoda, Borei Keila, or
12 the Olympic Stadium.

13 Q. And were these sessions that Nuon Chea presided over, or other
14 people?

15 [13.40.58]

16 A. Nuon Chea was lecturing the sessions. However, there were
17 other people who started the introduction and the formality of
18 the sessions before he got the floor.

19 Q. Were other senior people from the Party present during these
20 sessions?

21 A. I do not know the senior leaders. There could have been some
22 of them in the sessions, but I just do not know them.

23 Q. And were these sessions held at the same time or at the same
24 place as the sessions that were taught by Khieu Samphan?

25 A. The sessions were not on a regular basis. Sometimes we had to

1 attend the sessions at Borei Keila, sometimes at the Olympic
2 Stadium.

3 Q. But were – the sessions that were taught by Khieu Samphan, did
4 they occur at the same time as the sessions that were taught by
5 Nuon Chea?

6 [13.42.46]

7 A. No, they weren't. They were not occurring at the same time.

8 Q. I want to look briefly at another topic before we return to
9 the question of enemies, and it's the issue of the operation of
10 the warehouse, or of the warehouses, where you worked.

11 One topic that you discussed earlier with my colleagues on the
12 opposite side was exporting of rice. And to build on that, I'm
13 going to read to you a brief passage from the DC-Cam statement
14 and see if we can, again, shed more light on the issue of what
15 was being exported and how often. And this is a discussion of the
16 Kilometre 6 warehouse. The document number is 19.158. The
17 relevant ERNs are starting at: Khmer, 00008289 to 90; French,
18 00899458 to 9; and English, 00710518 to 9.

19 You were asked the following question: "Was any rice being
20 exported overseas?"

21 Answer: "Yes, it was."

22 Question: "A lot?"

23 Answer: "Each time over 60 to 100 tonnes were sent out. I knew
24 that it was exported to Canada and Hong Kong. I knew about that
25 because on the stamped seal receipt, it said this amount of rice

1 had to be transported to Kampong Som."

2 [13.45.20]

3 Now, a little bit further down on the issue of quantity, in

4 particular, you describe how the packing of this rice was done

5 and you say the following: "The machine in the rice mill at

6 Kilometre 6 could be used to adjust rice quality automatically."

7 And then further down: "The grains flew into the sacks which were

8 set up in line. When one sack was full and reaching the weight of

9 101 kilograms, the machine automatically dropped it on the ground

10 and then picked and filled up the next empty sack. The weight of

11 the rice grains itself was only 100 kilograms, and the weight of

12 the sack was 1 kilogram. That machine could pack 1,600 to 1,700

13 sacks of rice each day."

14 Is that - is that correct that rice was being packed in this - in

15 this manner with the use of a machine filling sacks of 100

16 kilograms?

17 A. I wish to also clarify a few things that - that is the real

18 statement I made.

19 Q. Thank you very much. Now, you - further down in the same

20 statement, you say the following - quote: "If we operated only

21 one rice mill, we would not be able to meet their demand."

22 And further down: "That was why all four to five rice mills had

23 to work at the same time constantly."

24 [13.47.24]

25 Is that also accurate that there were, in fact, four to five

1 machines that were constantly working to pack the rice into these
2 sacks of 100 kilograms?

3 A. Yes, it is correct.

4 Q. In this same part of the statement, a little bit further up,
5 you said the following – you were asked the following question:

6 "Was rice disbursed to any zones or units?"

7 Answer: "In Phnom Penh, every ministry and office came to get
8 rice from that warehouse."

9 And just if you can confirm that for us, that also ministries and
10 offices in Phnom Penh received rice from the same warehouse at
11 Kilometre 6?

12 A. Yes, it is correct.

13 [13.48.30]

14 Q. And in all of the instances, was it the case that such
15 disbursement had to be approved by Office K-25, which you
16 described earlier, or was there a different procedure?

17 A. Only K-25 would be the office that issued such a request for
18 rice to be distributed.

19 Q. And did I understand your evidence that you gave earlier
20 correctly, that there was never an authorization or a
21 disbursement of rice to the zones? Did I understand that
22 correctly? And please correct me if I didn't.

23 A. As I already stated earlier on, this rice would never be
24 transported to the zones or offices. They had to be stored at the
25 warehouses before exporting.

1 Q. Now, if I can discuss one other matter that you testified
2 about this morning, and it has to do with visits by leaders to
3 the warehouses. We touched on the individual called Doeun, and
4 you discussed him in this DC-Cam statement that we've been
5 looking at. And this is at Khmer ERN 00008356; French, 00899520
6 to 1; and English, 00710571. And you said the following: "Each
7 time the big shot like Doeun came, he called me to meet with him
8 and asked about the number of things stored in the warehouse."

9 [13.51.32]

10 Is that a correct recording of your statement that from time to
11 time Doeun would visit and ask you to report to him about the
12 things that were stored in the warehouse?

13 A. I do not recollect the detail of this. I don't remember who
14 would come to do the inspection at the warehouses, but I knew
15 about this only after the persons went back.

16 Q. Can I just insist on that? Do you recall whether this
17 individual, Doeun, ever spoke to you and asked you to inform him
18 about what was stored in the warehouses?

19 A. Yes, I was asked about this. I don't remember everything.
20 Nonetheless, I think your question rings the bell. And Doeun was
21 a handicapped; he - I remember that he was a handicapped and he
22 came to the place.

23 [13.53.16]

24 Q. Thank you. In fact, you say the same thing in your statement
25 about his limp.

1 Now, two pages down from this section, you're discussing Khieu
2 Samphan's visit and you say that he went around, checking on the
3 works at the warehouse. Did Khieu Samphan come to visit during -
4 or let me ask you this first: Who was Khieu Samphan coming to
5 visit with? Was he alone or was he accompanied by other people?

6 A. I don't remember this, but I can assure you that he came to do
7 the inspection at the warehouses.

8 And I noted that he did not have a modern vehicle to ride to
9 work; he was seen coming to work with a flip flop - a pair of
10 flip flop, for example, and taking a Lambretta.

11 Q. Thank you. You also say in that section that Nuon Chea came to
12 visit. Did they visit together or did they visit separately?

13 A. No, these two people never visited these warehouses together,
14 or perhaps they could do that on other occasions when I was not
15 there. So I can't say for sure about it, but when I was there,
16 they never came together.

17 [13.55.30]

18 Q. How often did Khieu Samphan come to visit?

19 A. He did not come to visit frequently.

20 Q. Do you know what happened to Doeun?

21 A. I don't know. I don't know what happened to him.

22 Q. Thank you.

23 I'd like to clarify just one point in relation to the authority
24 structure within the State warehouses. This morning you mentioned
25 an individual called Roeng as the chairman of State warehouses.

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1 In your statement given to the researchers, the one we've been
2 reading from, you also mentioned an individual called Rith - or
3 Rit (phonetic); not the same person as Van Rith, but another
4 person also called Rith. And this is found in your statement at
5 Khmer ERN 00008343; French, 00899508; and English, 00710560.

6 [13.57.19]

7 And you said the following: "The general chairperson was Rith.

8 [...]One section was Teng."

9 And then, a little bit further down, you say: "At Chrouy Changva
10 and Ruessei Keo, it was Chuon."

11 Now, this morning you said the committee was comprised of Roeung,
12 Teng, and Chuon, and in this statement it appears you are
13 referring to Rith, Teng, and Chuon. Is it - is it possible that
14 Rith and Roeung are the same person, or is there, maybe, an error
15 in the statement?

16 A. Originally, Roeung was known as Rith. Mr. Van Rith was also
17 known as Rith. And because these two people shared the same first
18 names, Rith decided to change his name to Roeung.

19 Q. Thank you very much for clarifying that. It's very helpful.

20 Now, in another section of your statement, you discuss the
21 relationship between these people and Van Rith. This is at Khmer
22 ERN 00008338; French, 00899503 to 4; and English, 00710556.

23 And you said - quote - the question was asked in the following
24 terms: "So, was one Rith the chairman of the Commerce and another
25 Rith the chairman of the State warehouse?"

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1 You said - quote: "If we speak about the role, this Rith was
2 smaller than [Rith at the Commerce]. Since before Phnom Penh
3 fell, we were under that Rith [Commerce]."

4 Do I understand correctly that this State warehouse Committee,
5 including the warehouse staff such as yourself - that you were
6 subordinate to Van Rith?

7 [14.00.22]

8 A. Rith, who changed his name to Roeung later on. Before the unit
9 was sent into Phnom Penh, he used Van Rith - he used the name of
10 Van Rith. And Roeung also had the same name. But when we came
11 into Phnom Penh, Rith changed his name to Roeung, and Van Rith
12 was still the same.

13 Q. And was Van Rith the superior of Roeung at any point during
14 the Democratic Kampuchea period?

15 A. After we came into Phnom Penh, Roeung was separated from Van
16 Rith because Roeung was in charge of the warehouse - the State
17 warehouse - and the other one was in charge of Commerce.

18 Q. Thank you. Just on that - and we'll leave this topic with this
19 last question. At Khmer ERN 00008333; French, 00899499; and
20 English, 00710552, you said - you were asked the following
21 question: "Did this mean that the Commerce and the State
22 warehouse were at the same level but different unit?"

23 [14.02.18]

24 Answer: "Each was separate. The State warehouse was small, so if
25 we speak about its rank, it was in the lower rank than the

1 Commerce."

2 Is that correct that the rank of the State warehouses or the
3 committee of State warehouses was lower, in your understanding,
4 than the Ministry of Commerce?

5 A. That is correct.

6 Q. Thank you.

7 We've talked about the issue of arrests or instructions that were
8 being given with respect to arrests, and I'd like to explore that
9 with you a little bit further now.

10 Let me ask you first, were there disappearances of people – were
11 there disappearances or arrests of people from the State
12 warehouses where you worked?

13 [14.04.08]

14 A. Regarding the arrests, yes, of course, there were arrests, but
15 I did not see any torture. At the time, people were called to
16 attend meeting, for example, and then they were told that they
17 would be sent to a new location. So, this is what I saw.

18 Regarding those who were arrested, some of them came back, and
19 some of them disappear, and I did not know how they disappear.

20 Q. Let me read this passage to you. This is at Khmer ERN
21 00008289; French, 00899457 to 458; and English, 00710518. And you
22 talk about the situation with respect to these arrests. You say
23 the following: "No one could know when their turn would come.
24 Everyone was worrying for him/herself and doing whatever he/she
25 could to avoid any mistake."

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1 A little bit further down: "During that time, after any persons
2 had been arrested, I thought they were taken to build the road.
3 That was what I knew. But if any person was implicated by
4 multiple, previously arrested persons, that person was considered
5 as the traitor and subsequently killed."

6 [14.06.12]

7 Is that a correct statement of your knowledge at the time - those
8 who were implicated by several people were taken away and killed?

9 A. Yes, it is correct. This is true. Of course there were
10 arrests. If those who had been arrested made a confession and
11 then implicated others, the later would also be arrested when
12 they were implicated by the previous arrested.

13 And as I said earlier, they did not use violence when they
14 arrested. So, these people were invited to attend meetings, for
15 example, and then they were told they would be sent to a new
16 location, and then they disappear. So, this is what I saw.

17 Q. You saw the removals of people with your own eyes. Were you
18 ever asked to hand over to security any of the people that they
19 came to arrest? Did that ever happen?

20 [14.08.08]

21 A. If there was a plan to arrest anyone, that plan would be kept
22 secret. So, when that person was arrested, that person would be
23 invited to attend meeting. And after the meeting, that person
24 would be told to prepare their clothes because they had to move
25 to a new location, and of course, that person disappeared.

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1 Q. Let me read to you the following passage. At Khmer ERN
2 00008342; French, 00899507; and English, 00710559, you say the
3 following - quote:

4 "And if they wanted to arrest any person, they would come or call
5 me on the phone, telling me that they wanted this or that comrade
6 to work with them. I then called that person from his work to
7 meet with them."

8 [14.09.37]

9 And then, a little bit further - I apologize, another ERN on the
10 same topic: Khmer, 00008349; French, 00899513; and English,
11 00710565 - quote:

12 "Whenever the National Security Unit came to arrest any people,
13 they already had the names of the targeted persons in their hand.
14 Before they came, they telephoned to tell us that they wanted to
15 come and work with us on a specific day at a specific hour."

16 So, is that correct, Mr. Suy?

17 MR. PRESIDENT:

18 Mr. Witness, please hold on.

19 National - International Counsel for Mr. Nuon Chea, you may
20 proceed.

21 MR. KOPPE:

22 Thank you, Mr. President.

23 Maybe my learned colleague would be willing to explain how this
24 line of questioning fits within the scope of this present trial.

25 [14.10.51]

1 MR. ABDULHAK:

2 We've now faced this objection on numerous occasions, Your

3 Honours. I really think it cannot be taken seriously.

4 These issues go to the functioning of the ministries and offices

5 of the Democratic Kampuchea regime. This is a topic that is

6 included in this - in this trial. We've heard testimony all

7 morning about the various aspects of the functioning of this

8 warehouse, of the exporting of food, and other aspects of the

9 work of the warehouse. This is just another aspect of it, and it

10 is relevant. It would be nonsensical, in my submission, to speak

11 about these offices and their functioning and not discuss how a

12 key policy of the CPK was being implemented within - within these

13 ministries.

14 (Judges deliberate)

15 [14.12.26]

16 MR. PRESIDENT:

17 The objection is not sustained.

18 The Witness, you have to respond to the question put by the

19 Co-Prosecutor.

20 MR. RUOS SUY:

21 Please repeat your question.

22 BY MR. ABDULHAK:

23 Q. My question was simply: Is it true that, as you said in those

24 passages, the National Security Unit would contact - make contact

25 with your State warehouse to inform you that they were coming to

1 carry out arrests and that upon their arrival, you would assist
2 in calling those who were to be taken away?

3 MR. RUOS SUY:

4 A. That is correct.

5 [14.13.40]

6 Q. Thank you. And just one brief passage, also, continuing on
7 from the last passage I read to you - quote:

8 "They told us to call this or that comrade for them so that they
9 could do some little work with him/her in a meeting. When they
10 called someone to a meeting like that, it meant they arrested
11 him/her."

12 Question: "Did everybody realize [that's] how it would happen?"

13 Answer: "Yes, they did. Whenever the persons were called from
14 their workplace to a meeting, they were [terrified]."

15 And a little bit further down: "They knew that they were being
16 arrested, but not sure if they would be definitely killed. But
17 they knew that if they were called from their work to a meeting,
18 they were being arrested."

19 [14.14.43]

20 So, do I take it from that passage that there was - there was
21 knowledge within the workforce, at the State warehouse - people
22 knew that if they were called away to a meeting, that meant they
23 were being arrested, and there was a climate of fear as a result
24 of that? Is that correct?

25 MR. PRESIDENT:

1 Mr. Witness, please hold on.

2 Counsel, you may proceed.

3 MR. KOPPE:

4 Thank you, Mr. President.

5 I keep insisting, but particularly now, I'm wondering what the
6 climate of fear has to do with communication and structures.

7 BY MR. ABDULHAK:

8 I will move on, Your Honours. I'll indulge my friend; we have
9 limited time. It is relevant, but given the time, I'll move on to
10 other topics because we have a lot to cover.

11 [14.15.50]

12 Q. Khmer ERN 00008352; French, 00899516; and English, 00710567.

13 Question: "When the national security contacted Rith at the State
14 warehouse saying that they needed this or that person, did he
15 ever object to their request?"

16 Response: "No, because there were names and order from the upper
17 echelon; how could he object? Mr. Rith was the chairman of a
18 small warehouse only; how could he object the order from the big
19 shot?"

20 Question: "Who followed the upper echelon's order and came to
21 arrest people?"

22 Answer: "The national security."

23 [14.16.40]

24 Very briefly on this - and tell us if you don't know the answer,
25 but I'll ask you: Was it your understanding that the national

1 security, in coming to arrest people, was working on orders of an
2 upper echelon?

3 MR. RUOS SUY:

4 A. Yes, this is correct.

5 Q. Did you know who that upper echelon was?

6 A. Regarding your question, after that incident happened, I did
7 not know about that arrest before Mr. Roeng at all. Mr. Roeng
8 called me through mobile phone or the fixed phone. He told me to
9 call this person or that person to attend this meeting or that
10 meeting. So what I had to do is to tell that person, and that's
11 all. And I do not know whether that person was arrested or not,
12 but I noticed that after that person was called to attend a
13 meeting, that person disappeared.

14 [14.18.22]

15 Q. Thank you.

16 I'm going to move to a completely different topic, and again, I'm
17 going to try and be brief here.

18 This morning, when you were questioned by my colleagues on the
19 opposite side, you talked about the event - or the study session
20 at which a tape was played of Koy Thuon's confession. As my
21 learned friend read to you, in your interview with OCIJ, you
22 asserted that Khieu Samphan was not present when this tape was
23 played. But you also discussed this same event twice in - on
24 previous occasions with the researchers. The first time was in
25 2003, so five years - five years prior to the OCIJ interview, and

1 this is how you described the event. This is document 19.158;
2 Khmer ERN 008994 - I apologize; Khmer ERN 00008300; French ERN
3 00899468 to 9; and English, 00710527. And I'm going to read word
4 for word what you said and what questions were asked.

5 [14.20.00]

6 Question: "At that time, did they accuse Koy Thuon of being an
7 agent or in a string?"

8 Answer: "They had the document and audio cassette about Koy
9 Thuon. When Khieu Samphan called me to attend a study session, he
10 played the cassette of Koy Thuon confession for us to listen to."

11 Question: "Did he play the cassette for you to listen to?"

12 Answer: "He played the cassette of [Koy Thuon]."

13 Do you agree with me that in your first statement in 2003, you,
14 in fact, described Khieu Samphan as not only being present at
15 this meeting, but also being the person who played the tape?

16 A. (No interpretation)

17 [14.21.06]

18 MR. PRESIDENT:

19 Please hold on, Mr. Witness.

20 Counsel for Mr. Khieu Samphan, you may proceed.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President.

23 I would like the Co-Prosecutor to examine the text - the document
24 in Khmer. In that document, witness did not say that Khieu
25 Samphan played the tape, so I would like the examination of the

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1 document again.

2 MR. ABDULHAK:

3 Your Honours, I have that document here and I'm happy to hand it
4 to the witness if you so prefer, but I am reading from the
5 Court's official translation, and the words are read are taken
6 directly from the translation. So, I can proceed however you
7 prefer: I can give him the document, and that can be read by him
8 alongside me, or perhaps my colleague can read the relevant page,
9 however you wish to proceed.

10 [14.22.22]

11 MR. PRESIDENT:

12 Please show the identity of the document again.

13 MR. ABDULHAK:

14 Yes, Your Honours. This is the interview that the witness
15 confirmed he had with the researchers from DC-Cam. It is document
16 19.158. It actually contains two interviews, one from 2003 and
17 one from 2004. And this is the document that I've been reading
18 from and the witness has been confirming its authenticity.

19 MR. PRESIDENT:

20 Mr. Witness, have you seen that document?

21 Counsel for Mr. Khieu Samphan also mentioned the same issue, and
22 the Chamber did not allow that.

23 [14.23.25]

24 This - this document was produced by the DC-Cam official and it
25 was compiled by the officials over here, so Mr. Witness has never

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1 seen that document at all. But of course you can refer to that
2 document. You can – you can extract some content from that
3 document and then you can put a question to the witness.

4 MR. ABDULHAK:

5 Mr. President, then, the way I propose to proceed is to have my
6 colleague – my Khmer colleague read this particular passage in
7 Khmer, and it can be translated into English, and that way we can
8 verify. If there is an inaccuracy, then we're happy to concede
9 that.

10 So I'll just confer with my colleague very briefly and have that
11 read.

12 MR. PRESIDENT:

13 You may proceed.

14 [14.24.44]

15 MR. VENG HUOT:

16 Thank you, Mr. President.

17 "Suy: Through my analysis and understanding, Oeun was Koy Thuon's
18 subordinate.

19 "Sochea: Was Koy Thuon accused of being a spy?"

20 "Suy: With regard to Koy Thuon, there was a tape recording that
21 was played when – during a study session when Mr. Khieu Samphan
22 was present."

23 Question: "Was the tape played?"

24 Response: "Yes, it was. The confession was played to the
25 participants."

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1 Question: "What was the confession about?"

2 Response: "I do not remember the detail of this, but I remember
3 for sure that there was a plan. There was several attempts to
4 topple down Pol Pot, but it were - they were not successful."

5 Thank you, Mr. President.

6 [14.26.15]

7 MR. PRESIDENT:

8 Counsel for Mr. Khieu Samphan, you may proceed.

9 MR. KONG SAM ONN:

10 Thank you, Mr. President.

11 If possible, we would like the Co-Prosecutor to be more precise
12 because here, in this text, it reads that the tape was played,
13 but who played the tape - the recording? It was not necessarily
14 played by Khieu Samphan; it could have been played by people who
15 attended the meeting.

16 MR. PRESIDENT:

17 The argument is plausible, indeed, because as in Khmer, it reads
18 that "the tape was played" - "was played", in this passive form -
19 and that we don't know who, actually, was behind the playing of
20 the tape recording and that - Mr. Suy said in that statement,
21 from the Khmer reading, that he was attending the session when
22 Khieu Samphan was also present, and that does not really say
23 exactly that Khieu Samphan was playing the tape recording.

24 [14.27.30]

25 BY MR. ABDULHAK:

1 Thank you, Mr. President. I'll - I'll proceed in that manner,
2 then.

3 Q. First, then, Mr. Suy, do you agree that in that statement you
4 said the tape of Koy Thuon's confession was played in a session
5 that was attended by Khieu Samphan?

6 MR. RUOS SUY:

7 A. I wish to clarify this. I did take the oath, and my testimony
8 is obviously under oath.

9 I recall having said like this, and I said that the tape
10 recording was played and it was Nuon Chea who played the tape.

11 Q. Thank you. But is it correct, as you said in that first
12 statement in 2003, that Khieu Samphan was present when the tape
13 was played?

14 [14.28.52]

15 A. I think, perhaps, there was a kind of miscommunication already
16 in that interview. I didn't say that Khieu Samphan was present in
17 the session when the tape was played. I think the interviewers
18 could have mistaken.

19 Q. Well, let's look at a subsequent interview that you gave,
20 again with DC-Cam - this is part of the same document, now at
21 Khmer ERN 00899502 - I apologize again; that was the French ERN,
22 00899502; Khmer, 00008337; and English, 00710555.

23 Question - and you're being asked about the same meeting now,
24 this is in 2004: "Did Khieu Samphan call the meeting?"

25 Answer: "Yes, there was a meeting. But, sorry, let me refresh my

1 memory. When they called us to that meeting, they played an audio
2 cassette of Koy Thuon for us to listen. But I can be confused
3 about who was the person who played that cassette then. It was
4 either Khieu Samphan or Nuon Chea."

5 Do you recall saying that in 2004, that it was either Khieu
6 Samphan or Nuon Chea that played the tape?

7 [14.30.38]

8 A. Yes, I do. Nonetheless, later on, I remember this vivid memory
9 and that it was Nuon
10 Chea who played the tape, not Khieu Samphan.

11 Q. Thank you. That's - that's sufficiently clear, Mr. Suy.

12 And just a last couple of questions before I end my questioning
13 of you, Mr. Suy.

14 You said this morning that you didn't think Mr. Khieu Samphan was
15 one of the - one of the top leaders, and my friend read to you
16 from other witness statements. Were you aware that in these
17 proceedings Mr. Khieu Samphan has made a statement confirming
18 that he was a member of the Central Committee of the Party? Were
19 you aware of that?

20 [14.32.20]

21 A. There's one point I wish to clarify. I understand that Mr.
22 Khieu Samphan - whether he belonged to the Standing Committee or
23 the Central Committee is not my knowledge. I have heard - or I
24 knew that he was the President of the State Presidium.
25 Nonetheless, whatever decision was made could have been rendered

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1 by the Party. I am not really here to act in favour of him, but
2 it – the truth is that whenever he was called to attend a
3 meeting, we could never hear him say anything other than asking
4 us to properly manage the materials in the warehouses; it's –
5 it's more about maintaining the materials at the warehouses.

6 MR. ABDULHAK:

7 Thank you, Mr. Suy. In the interest of time, I'll stop there.

8 Thank you very much.

9 And thank you, Your Honours.

10 MR. PRESIDENT:

11 Thank you.

12 Counsel for Khieu Samphan, you may proceed.

13 [14.34.02]

14 MS. GUISSÉ:

15 One point, Mr. President. In the way that the Co-Prosecutor put
16 his question, it seemed to suggest that I might have called
17 another witness this – quoted another witness this morning, but I
18 was not doing that; there was no other witness I was quoting. I
19 don't know where this misunderstanding arose from, but I heard a
20 reference to a statement by another witness. But no, I was only
21 quoting this witness this morning.

22 That's the only point I wanted to raise. Thank you.

23 MR. PRESIDENT:

24 International Co-Prosecutor, you may now proceed.

25 [14.34.44]

1 MR. ABDULHAK:

2 Just so the record is complete and accurate, it was Mr. Khieu
3 Samphan's national counsel who read from a witness statement, so
4 the reference was to my learned friend's colleague. Thank you.

5 MR. PRESIDENT:

6 Thank you.

7 It is now appropriate moment for adjournment. The Chamber will
8 adjourn for 20 minutes. The next session will resume at five to
9 3.00.

10 Court officer is now directed to assist the witness during this
11 adjournment and have him returned to the courtroom by 2.55.

12 (Court recesses from 1435H to 1457H)

13 MR. PRESIDENT:

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

15 Now, we would like to hand over to Lead Co-Lawyers for the civil
16 parties to put some questions to the witness.

17 QUESTIONING BY MS. SIMONNEAU-FORT:

18 Thank you, Mr. President. I will start, and then my colleague
19 will take over from me. Good afternoon to everybody, and good
20 afternoon to you, Mr. Witness. And thank you for answering our
21 questions quite so patiently; I imagine it's not always easy for
22 you to bring to mind the kinds of events we are talking about, so
23 I'm grateful to you.

24 [14.58.44]

25 What I want to do is just follow up on one or two things that

1 have been said this morning and this afternoon, and then I will
2 turn to the subject of the conditions in which you worked within
3 the structures of the time.

4 Q. Can I pick up on what you said this morning on the period
5 before '73? And you talked about your unit and the fact that
6 there were defrocked monks who had been re educated; there were
7 no constraints placed upon this activity. Now, was it you who was
8 doing this re education?

9 MR. RUOS SUY:

10 A. The defrocked monks were conscripted, and when people were
11 gathered from villages and communes and recruited, they were sent
12 to my location. This location was not an educational centre or re
13 education centre; it was more like a temporary transit area.
14 People would have to stay there for a short while before they
15 could be transferred to other places. People who were there, I
16 don't know whether they were there on their own volition or they
17 were forced to move there, but some of them were defrocked monks.

18 [15.01.02]

19 Q. Thank you.

20 Now, a question about the warehouses you were in charge of.
21 Yesterday, a witness said that in the countryside, there were
22 loudspeakers which disseminated Party announcements about the
23 struggle against the enemy and the encouragement to be given to
24 the population. Did they have speakers of this kind in your
25 warehouses or in your canteens or the places where you rested?

1 A. At the cooperatives, there were loudspeakers where songs would
2 be played - could be heard from the loudspeakers, and people at
3 the cooperatives could hear these songs, and we could - they
4 could also hear comments on the radio broadcasts regarding how to
5 rebuild the country, so on and so forth. And this happened on a
6 daily basis.

7 Q. But in your warehouse, did you have speakers there or in the
8 places where you went to relax?

9 [15.02.42]

10 A. Yes, there were. There were loudspeakers installed permanently
11 at the warehouses.

12 Q. Thank you. On the same subject of the warehouses, did you have
13 to keep reports, telegrams, documents, mission reports? Were
14 these stored in your warehouse in some place?

15 A. All documents, after the 7 of January, including the keys to
16 the warehouses, were left behind at the warehouses, and we had to
17 abandon them.

18 Q. Thank you.

19 Let's move on to my second series of questions. And I want to
20 pick up on what the prosecutor was saying earlier on about
21 disappearances that took place in the two warehouses where you
22 were working.

23 You told us about arrests in the first warehouse, and you also
24 talked about the same thing in the second. You gave us a certain
25 amount of detail, but let me ask you one thing. You were in

1 charge of each one of these warehouses; and in that position,
2 when people came to arrest others, were you given documents,
3 confessions, denunciations, or any other kind of document?

4 [15.05.06]

5 A. Regarding the arrests-

6 Before I proceed to this, I would like to tell you about my
7 roles. I was not the chairperson. I was assigned some tasks,
8 including the management of the materials in the warehouses.
9 However, when it comes to the documents relating to the arrests,
10 I do not know or I did never receive such documents. The arrests
11 were made at my place, but I never knew what could have been the
12 offences that these people could have been accused of.

13 Q. So, despite your position of authority, you were nonetheless
14 not given any explanation when these events occurred; is that
15 right?

16 A. Yes, it is.

17 Q. This morning or perhaps at the start of the afternoon, you
18 told the Co-Prosecutor that during the study sessions, Nuon Chea
19 advised you to undertake investigations to unmask traitors. That
20 is how I understood it in the translation. Did he tell you that
21 it was a duty to denounce traitors?

22 [15.07.07]

23 A. During my testimony this morning, I said, after the study
24 sessions, we were asked to uncover the internal enemies. But the
25 people who were the target for arrests were the people from the

1 same village, and I just didn't know what happened to them that
2 they had to be arrested. And some of them still alive, although
3 some disappeared. But the arrests were made after 1976, and
4 combatants in my unit were – some of whom were arrested, all
5 together eight people had been arrested. That happens only at the
6 Kampong Tik Kak warehouse alone. At Kilo Number 6 warehouse, a
7 few people were also arrested; this includes porters.
8 And again, I did not know why they had to be arrested, but I knew
9 that phone calls were made in which some people had been asked to
10 go to particular meetings. And after these meetings, I did not
11 see those people and I never knew the offences these people could
12 have committed.

13 Q. Thank you.

14 Can I talk to you about your family?

15 [15.09.22]

16 When you were questioned by the Investigating Judges, in document
17 E3/469 – and the French ERN is 00524390; English, 00205113; and
18 in Khmer, 00172052 – you said that your brother-in law, Say, was
19 arrested and killed and that your elder sister was executed in
20 Tuol Sleng. When was your brother-in law arrested and killed?
21 Could you please tell us when that happened?

22 A. Thank you for asking this.

23 It is true that after having given interviews to people from the
24 DC Cam, I was invited to attend training on legal issues. And at
25 the centre, I opened an album and saw a photo; although there was

1 no name attached to the photo, I asked people at the centre to
2 help find out who the person in the photo could have been. And
3 they conducted the research for me, and we found another sibling
4 of mine, a sister, and I also learned that these people were
5 executed at S 21. And finally, I have obtained the exact date
6 when these people were executed. But I just misplaced the note
7 that I obtained from the DC Cam.

8 [15.11.50]

9 Q. Do you remember if it was before or after 1975 that this
10 happened to your brother-in law?

11 A. He was executed not in 1955 - rather, 1975 or 1976; it was in
12 1977.

13 Q. Thank you for that information.

14 You told the Investigating Judge, in document E3/469 - in French
15 ERN, 000 - ending 88; English, 00205111; and Khmer, 00172050 -
16 that poison was put in your food, and you also said that you
17 saved some children, whose food had been poisoned as well. Could
18 you tell us exactly what this is about? I have very little time,
19 so give us an expeditious answer, please.

20 A. It is true that this happened. After several people had been
21 arrested and new people had to take over from the other in the
22 positions, anger was instigated, and at Kilometre 6, people were
23 removed. And when I was there, I could see that people started to
24 take revenge and they did their best to show that they were
25 venting. And later on research was conducted by the Khmer Rouge

1 to find out who was behind this conduct, and these people who did
2 the things were arrested.

3 [15.14.37]

4 Normally, food would be delivered to the senior leaders -rather,
5 to the leaders, and I was at the warehouse, had to also eat the
6 food they delivered to us. And the children, who had been very
7 hungry for food, had to eat this food without knowing that they
8 were - the food was laced with poison. And knowing that these
9 children were poisoned, I had to pick some banana - rather,
10 coconut, and I used the coconut juice to counteract the poison,
11 and I was accused of picking the coconut. But later on the
12 children were transferred to the hospital and they were saved.

13 MR. PRESIDENT:

14 Counsel, can you please be reminded that this witness is not a
15 civil party and that your questions should be framed to those
16 that are relevant to the scope of the proceedings. And make sure
17 that the questions are relevant to our efforts in finding the
18 truth.

19 [15.16.15]

20 BY MS. SIMONNEAU-FORT:

21 Q. I only have one further question. May I respectfully point out
22 that if we are not concerned about the state of mind of people
23 responsible for structures, whatever the level, then we will lose
24 a good part of the explanations of things?

25 I will ask my last question. Sir, you told the Investigating

1 Judge, right at the very end of your interview, that you were
2 afraid and that you didn't know when you would be arrested. Can
3 you confirm that today, please?

4 MR. RUOS SUY:

5 A. I agree that it is true that I was afraid. At that time, if we
6 were found out to be connected to the people who had previously
7 been arrested, including our superiors, then we had reason to be
8 fearful because families or subordinates of the people who had
9 been arrested would also be the subject for further arrests. And
10 I have been very fearful and I just realized that I had to hide
11 my identity all along.

12 [15.17.55]

13 MS. SIMONNEAU-FORT:

14 Thank you very much, Mr. Witness, for those answers. I think that
15 you have contributed a great deal to the understanding of the
16 truth in this case. Thank you very much.

17 QUESTIONING BY MR. PICH ANG:

18 Good afternoon, Mr. President and Your Honours. I may wish to
19 continue putting a few questions.

20 And before that, let me say good afternoon to you, Mr. Witness. I
21 am Pich Ang, National Lead Co-Lawyer for the Civil Parties. I
22 have a few questions for you and I would like to seek some
23 clarification for the purpose of finding the truth.

24 Q. Can you tell the Chamber what you saw in 1975? Did you see
25 people being evacuated from the city of Phnom Penh?

1 [15.19.25]

2 MR. RUOS SUY:

3 A. I saw people being evacuated from the city, but I did not know
4 the plan to evacuate them. I just saw crowds of people on the
5 streets, leaving the city.

6 Q. Can you tell the Chamber where you saw them? Did you see them
7 in streets in Phnom Penh or outside?

8 A. It was not in Phnom Penh that I saw these people. I saw them
9 in the countryside. I saw these evacuees who - already been there
10 in the countryside.

11 Q. When you refer to "countryside", which countryside are you
12 referring to?

13 A. Thank you for seeking this clarification. People, after being
14 evacuated to the countryside, had to remain there. And I was
15 still in Takeo province. After people had been evacuated, my unit
16 was demobilized, and we were asked to move to Phnom Penh. By the
17 time we got to Phnom Penh, there was no people - people already
18 left the city.

19 [15.21.28]

20 Q. During the course of your journey to Phnom Penh, did you see
21 people marching or walking in the opposite direction?

22 A. During the course of my journey, we first met at Sector 25,
23 along the Tonle Bassac River. We were at the Kampong Tik Kak
24 warehouse, to the east of Phsar Thmei, and we did not see any
25 evacuees.

1 Q. When did you leave Takeo for Phnom Penh?

2 A. I don't remember the exact date, but I know that I had to
3 listen to the superiors who ordered us to move to Phnom Penh.

4 Q. Can you also tell us, please, how these – these evacuees were
5 like? Did they suffer from the evacuation or not?

6 [15.23.20]

7 A. I may say that people would never be happy to leave their
8 houses they had been living for a very long time already. I could
9 see that some people were crying all along, and I could see
10 vehicles that were broken on midway and had to be pushed or
11 pulled by family members.

12 Q. Can you say something about the age group of the people who
13 were being evacuated? Did you see elderly people or children also
14 among the evacuees?

15 A. People from all walks of life, the sick, peoples whose parents
16 were very ill, who could not walk, people who had to ride – to
17 take their cars, and then the cars ran out of gasoline, and they
18 had to push the cars, and they had to stop midway to exchange
19 their clothes for some food.

20 Q. Did the Khmer Rouge cadres care for the wellbeing of the new –
21 newly arrived people?

22 A. In simple terms, no, there was no such care.

23 Q. When people got to the destined destinations, were they
24 offered some food? Or were they classified as the New People or
25 the Old People?

1 [15.25.55]

2 A. People were clearly classified. Those who had been moving from
3 Phnom Penh to the countryside were regarded as the 17 of April
4 People. They were treated differently. Nonetheless, these people
5 were trying to move to their hometown or to the places where they
6 had their relatives and loved ones there. But even though they
7 could manage to reunite with their family members, those people
8 appeared to be very cautious when sharing food with the
9 newcomers, and the people at the base, in particular the
10 authorities at the base, did not pay attention to the wellbeing
11 of the New People.

12 Q. You said people at – the Base People were afraid of helping
13 the New People. What made you say this? What happened if these
14 people were known to have assisted the New People?

15 [15.27.25]

16 A. The reason why the Base People were afraid was that people
17 could not even talk among ourselves at the worksites; we could
18 not risk being seen talking to one another for – even briefly,
19 because we would then be arrested and executed. And the 17 of
20 April People were placed in the area where they could not mingle
21 with the Base People.

22 Q. Can you please clarify on this? Why people were afraid of
23 being accused of the 17 of April People? Who gave instruction to
24 mistreat the 17 of April People?

25 A. It was part of the business of the commune chiefs or people in

1 the area. But it is commonly known that the 17 of April People
2 were classified and placed in different location from - apart
3 from the Base People, and treatment was also being different to
4 these people.

5 Q. I thank you very much, Mr. Suy, for explaining this to us.

6 I would like to move to back to the situation in Phnom Penh. When
7 you were in Phnom Penh, did you see other people, other than your
8 colleagues?

9 [15.29.44]

10 A. Upon arriving in Phnom Penh, I could see that Phnom Penh was
11 very quiet; there was no one except soldiers and the empty
12 concrete buildings and houses. Some houses were unlocked - the
13 doors were unlocked, some were locked.

14 Q. Thank you.

15 I would like now to move to another point. But with that, I wish
16 to ask you this question. Can you tell the Chamber about the
17 connection between warehouses and other sections? Was there only
18 one section such as warehouse or was warehouse part of other
19 section?

20 A. I do not know about that, I knew only about the warehouse
21 where I was in charge - where I was working. I do not know about
22 the warehouses of other units. Of course other units had their
23 own warehouses. I know only that the State warehouse was to store
24 rice, salt, and other products from the factory.

25 Q. Regarding your superior, Roeung - so, who was above your

1 superior?

2 [15.32.08]

3 A. Regarding the structure of the leadership, I knew only Roeung.

4 Q. Which leader used to visit the State warehouses?

5 A. The leaders who used to come to the warehouses have been
6 mentioned already. They included Nuon Chea, Khieu Samphan, and
7 others. Of course they came, but I knew some of them only.

8 Q. Thank you.

9 Regarding Khieu Samphan and Nuon Chea, who used to come to your -
10 to the State warehouses, did he - did they ever talk with you or
11 other workers in the State warehouses?

12 A. When they came to the State warehouses, I did not meet them.
13 But of course they gave advice through other cadres, and I knew
14 that he told us to take care of the equipment, to maintain the
15 equipment, but I never met him in person.

16 Q. You talk about the advice, the instructions to other people.
17 So, what was the advice given through those people to you?

18 [15.34.20]

19 A. My superior, who received the advice on instruction from those
20 leaders, would convey those instructions to us. But of course,
21 when my superiors convey the message to us, they did not mention
22 the name of Khieu Samphan or Nuon Chea. My superior, Roeung or
23 Teng, only told us that in order to comply with the instruction
24 from the top, we had to be careful; we had to take care of the
25 equipment to make sure that we did not lose the equipment or the

1 products.

2 Q. I have another follow-up question regarding the material in
3 the State warehouses. According to your knowledge, were those
4 material distributed to people?

5 A. As far as I know, the products from the factories had to be
6 distributed to people every week - once every week. There were
7 different kinds of products from the material. And I was in
8 charge of transporting those materials from the factory into the
9 State warehouses. "Kor"-25 issued the documents to the workers at
10 the State warehouses, and then we distribute the material out.
11 But of course I do not know for sure whether the material really
12 reached the people.

13 [15.36.27]

14 Q. I want you to clarify. You said you do not know whether the
15 material really reached the people or not. So, the material was
16 taken out of the State warehouses. Were they taken by your cadres
17 - by the cadres, by you, directly to the cooperative, or not?

18 A. Regarding the distribution of the material, I did not
19 distribute the material directly to the people at all. So,
20 sometimes I was at the State warehouses, and then - I was charge
21 of inspecting the invoices, for example. And then I took the
22 material onto the truck, and then I sign the document, and that's
23 all.

24 Q. You said that some of the material were distributed to the
25 people. In other words, you are saying some of the material are

1 for the people. So, do you have any evidence? Do you have any
2 document to prove that?

3 A. I do not whether those materials were really distributed to
4 the people, but of course, in principle, rice from the zones and
5 sectors were transported to the State warehouses, and then the
6 State had to distribute the material to the zones and sectors
7 back. From my own notice - from my own observation, if the
8 sectors and zones transported a lot of rice to the State
9 warehouses, a lot of material will be distributed to the - to
10 those zones and sectors, as well.

11 [15.39.08]

12 MR. PRESIDENT:

13 Counsel, your time has run out.

14 Counsel for Mr. Nuon Chea, you may put questions to the witness.

15 QUESTIONING BY MR. KOPPE:

16 Thank you, Mr. President.

17 Q. Mr. Witness, when you heard the tape that - of which you said
18 Nuon Chea played during the session, do you remember what was on
19 the tape? What was - do you remember the confessions from Koy
20 Thuon? What did he say on that tape?

21 MR. RUOS SUY:

22 A. After the tape was played - but, of course, I cannot remember
23 all the contents; I can remember some main points only. For
24 example, he attempted to kill Pol Pot, but that attempt was
25 unsuccessful. Because of that failure he made a confession. But,

1 of course, I can remember only that Koy Thuon made a confession.

2 [15.40.37]

3 Q. Do you remember whether the attempt involved food poisoning of
4 Pol Pot? Was that said on that tape?

5 A. I do not remember, I'm afraid. I just know that he attempted
6 to kill Pol Pot, and I do not know how he did that. I just know
7 that he attempted to kill Pol Pot. But from my own speculation or
8 conclusion, he might use food poisoning; that was more likely
9 than the other method.

10 MR. PRESIDENT:

11 Judge Lavergne, you may proceed.

12 JUDGE LAVERGNE:

13 Yes. Maître Koppe, please clarify this matter. Do you intend to
14 discuss the contents of Koy Thuon's confessions, which is
15 debateable evidence? The confessions obtained from S-21 were
16 obtained through torture, so I do not see the relevance of this
17 line of questioning.

18 [15.42.15]

19 BY MR. KOPPE:

20 Judge Lavergne, I wasn't planning to ask further questions on the
21 content, just briefly refreshing his memory because he has said
22 to DC-Cam about the content of the tape. But I'll move on because
23 I don't have much time. Thank you.

24 Q. Mr. Witness, when you were listening to the tape, how many
25 others were present, listening to that same tape?

1 MR. RUOS SUY:

2 A. During that study session, there were a lot of participants,
3 but I do not know the exact number. People from different units
4 attended that session. So, when the participant came, they
5 registered their names and then they attended the sessions. So I
6 do not know the exact number of the participants.

7 [15.43.25]

8 Q. I understand; but can you make an estimate? Were it a few
9 hundred, a few thousand people?

10 A. It is not up to 1,000 people; maybe hundreds of people.

11 Q. Mr. Witness, do you remember – do you recall whether, after
12 hearing that tape, there was a discussion among the listeners
13 whether Koy Thuon was considered rightfully a traitor or
14 wrongfully a traitor?

15 A. At the time, after the discussion among us, after we listened
16 to the tape, of course we could conclude that he was a traitor.
17 So, at the time, we had to support, we had to use that word
18 during that period.

19 Q In your statement to the OCIJ, E3/469 – ERN number: English,
20 00205113; Khmer, 00172052; and French, 00524390 – you have stated
21 that the tape was played in the 1977 study session. Is that
22 correct?

23 A. In those study sessions, sometimes the tape was played, and
24 sometimes the tape was not played. But, of course, I am sure the
25 tape was played in 1976 and 1977.

1 [15.46.20]

2 Q. In that same statement, on that very same page, with the same
3 ERN numbers, you have stated to the OCIJ that during the session
4 when this tape was being played, you also heard that So Phim was
5 a traitor. Is that correct?

6 A. Yes that is correct.

7 Q. Do you know when So Phim died?

8 A. I do not know when he died. I just know - I just heard that So
9 Phim was a traitor, but I do not know when he died.

10 Q. Mr. Witness there is evidence that So Phim killed himself on
11 the 3rd of June 1978. And I was wondering if you are - if you are
12 certain that during the 1977 session, Nuon Chea spoke about So
13 Phim being a traitor? Are you sure that when he mentioned that he
14 was a traitor, that was the same session during which you heard
15 recordings of the confession of Koy Thuon? Could you please think
16 well?

17 [15.48.15]

18 A. Regarding the name of So Phim, I would like to clarify that I
19 did not make conclusion that he mentioned that name during that
20 session, but I heard he mentioned the name of Koy Thuon during
21 that session.

22 Q. Well, are you now doubting whether you heard the name of So
23 Phim being a traitor that same session?

24 A. During the study session and during the group discussion in
25 that steady session, we heard from the others about him.

1 Q. My question was whether you are certain that you heard So Phim
2 being a traitor during the same sessions that you heard the tape
3 being played about the confessions of Koy Thuon?

4 A. I heard - so, when the tape was played, we knew that Koy Thuon
5 was a traitor. Regarding So Phim, I knew about that only through
6 the discussion later on. Later on I knew that So Phim was a
7 traitor of the CPK.

8 Q. What do you mean when you say "later on"?

9 [15.50.31]

10 A. "Later on", here, I refer to the discussion later on. So, when
11 something happened, that could not be hidden from the public.
12 During that period, we - there was a slogan: You have to ignore
13 thing; do not try to hear something, do not - please ignore
14 something. So, during that period, we knew, but we did not dare
15 to say anything.

16 Q. Mr. Witness, let me try it in a different way. I put it to you
17 that during the session that you heard the tape with confessions
18 of Koy Thuon, there was nobody speaking about So Phim being a
19 traitor. Is that correct? Is my assumption correct?

20 A. I do not make the conclusion that Nuon Chea mentioned his
21 name, but the members of my group made a conclusion. And later on
22 So Phim disappeared. I did not - I did not hear Nuon Chea saying
23 that So Phim was a traitor; Nuon Chea only mentioned that Koy
24 Thuon was a traitor.

25 Q. And when Nuon Chea said that to you and the many hundreds who

1 were there, was that something that was already generally known
2 within the CPK, within the cadres, within the country?

3 A. Regarding the State Warehouse Unit, anyone could know that Koy
4 Thuon was a traitor, because the tape of his confession was
5 played, but I do not know about the other units at all.

6 [15.53.10]

7 Q. But would it be fair to say that when Nuon Chea played that
8 tape, everybody already knew that Koy Thuon was considered a
9 traitor?

10 A. Yes, it is correct.

11 Q. One last question on this subject, to be absolutely clear.
12 Nuon Chea never actually spoke to you directly, in person, about
13 the need to uncover the enemies within; correct?

14 A. Yes, it is correct.

15 Q. You have testified earlier that members who worked in the
16 warehouse were sometimes called to meetings and that before they
17 were going to these meetings, they were afraid that they might
18 disappear. You, yourself, have testified that you also went to
19 meetings, but you obviously have not disappeared. Were you afraid
20 when you went to meetings called by superiors?

21 [15.54.55]

22 A. When we – when cadres from the unit were called to attend a
23 meeting regarding the technical work, I was not frightened at
24 all. But when we talk about this meeting here regarding the
25 disappearance, there was a phone call, and according to that

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1 phone call, this person or that person was invited to attend this
2 meeting or that meeting. And what I knew was that I had to inform
3 that person to attend that meeting, and then that - and then that
4 person disappeared, and I do not know whether that person was
5 arrested or not.

6 Q. Three last questions on a different subject, Mr. Witness.
7 Would it be fair to say that in the warehouse, there were two
8 sorts of rice: rice fragment and unhusked rice?

9 A. Of course there are two types of rice, but there are more
10 things - more items. As I said, in Kampong Tik Kak warehouse,
11 there were fabric, shoes, garment, mosquito nets, nails - there
12 were many items, in fact. However, in the warehouse in Kilometre
13 Number 6, there were rice, mill rice, rubber, cement.

14 [15.57.05]

15 Q. Thank you, Mr. Witness. Do I understand your - your earlier
16 testimony correctly that the rice fragment - that that was meant
17 for export, solely?

18 A. I have said that - I have responded to your question when you
19 asked about the export of rice, and I said yes, but maybe I was
20 mistaken. So, right now, I would like to clarify.

21 Only mill rice was exported, and milled rice was transported from
22 sector, from zone, and milled rice was stored in the warehouse.
23 And then that un-milled rice was milled, and the milled rice was
24 exported. So, if they need the amount of milled rice, they will
25 specify the amount of the milled rice. And then un-milled rice

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1 will be sent to the miller. So, only milled rice was exported,
2 not un-milled rice.

3 Q. Last question, Mr. Witness: So, to be clear, the unhusked rice
4 was sent to the zones; correct?

5 MR. PRESIDENT:

6 Mr. Witness, please hold on.

7 Co-Prosecutor, you may proceed.

8 [15.59.22]

9 MR. ABDULHAK:

10 I do apologize, Mr. President; it's late in the day. But the
11 question is blatantly a leading - and, in fact, misleading
12 question. Nothing in the witness's testimony today or in his
13 sworn statements indicates what my learned friend just suggested.
14 If he wants to ask about unhusked rice, he can ask that, but to
15 put these words in the witness's mouth is just not fair.

16 BY MR. KOPPE:

17 Maybe I used the shortcut, considering the time. I will ask it
18 more open, Mr. President.

19 Q. Do you know what happened with the unhusked rice?

20 MR. RUOS SUY:

21 A. After unhusked rice was taken to the warehouse - so, I look
22 after that unhusked rice. The unhusked rice was not taken
23 anywhere. But if they need milled rice, for example, that
24 unhusked rice would be sent to the miller. But I'm sure that
25 unhusked rice was not exported at all.

1 Q. But was it sent to the zones?

2 [16.00.55]

3 A. Many kinds of materials were sent to the zones, for example
4 cement, and salt, and other products from the factories. So,
5 these products were distributed once every week. Regarding -
6 cement and salt were distributed based on the need of those zones
7 and sectors. At Kampong Tik Kak warehouse, there were many kinds
8 of items over there.

9 Q. Sorry to interrupt - I am mindful of the time, Mr. President -
10 but the question was: What happened to the unhusked rice? Was
11 that sent to the zones? That was my question.

12 A. Un-husked rice was not sent to the zone at all.

13 MR. KOPPE:

14 Thank you, Mr. Witness.

15 Thank you, Mr. President.

16 [16.02.28]

17 MR. PRESIDENT:

18 Thank you, Counsels.

19 Today's hearing now comes to a conclusion. The Chamber will
20 adjourn now, and the next session will be resumed on Monday next
21 week, at 9 a.m.

22 On Monday, we will be hearing TCCP-186, questions to be put by
23 Lead Co-Lawyers for the civil parties before the other parties to
24 the proceedings. Please be informed that Co-Prosecutors and the
25 Lead Co-Lawyer for the civil parties will have half day for

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1 questioning time, and the defence counsels will have the
2 remaining half day for the examination of this witness – rather,
3 civil party.

4 And TCW-752 will be a reserved witness for that day.

5 Mr. Ruos Suy, your testimony is now complete. You are now
6 excused. The Chamber is very grateful indeed to your attendance.
7 Your testimony helps ascertain the truth. We would like to wish
8 you all the best, and safe trip home.

9 [16.04.13]

10 Court officer is now instructed to assist with the WESU unit to
11 ensure that Mr. Ruos Suy is returned home safe and sound.

12 Security personnel are now instructed to bring Mr. Khieu Samphan
13 and Nuon Chea to the detention facility and have them returned to
14 the courtroom again on Monday next week, the 29 of April 2013,
15 before 9 a.m. Mr. Nuon Chea can be returned to the holding cell
16 downstairs where – he can observe the proceedings from there
17 through audio-visual link.

18 The Court is adjourned.

19 (Court adjourns at 1605H)

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