



អគ្គនៅក្នុងព្រះទេសចរណ៍ក្រសួងពាណិជ្ជកម្មខំ

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

អគ្គនៅក្នុងព្រះសាធារណជនកម្ពុជា

Trial Chamber

Chambre de première instance

ឯកសារថ្មី

ORIGINAL/ORIGINAL

ថ្ងៃទី (Date): 29-May-2013, 08:00

CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File № 002/19-09-2007-ECCC/TC

22 May 2013  
Trial Day 182

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:

Victor KOPPE  
KONG Sam Onn  
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy  
Roger PHILLIPS  
DUCH Phary  
Faiza ZOUAKRI

Lawyers for the Civil Parties:

PICH Ang  
Élisabeth SIMONNEAU-FORT  
LOR Chunthy  
Beini YE  
Pascal Auboin  
SAM Sokong  
Christine MARTINEAU  
TY Srinna  
Madhev MOHAN

For the Office of the Co-Prosecutors:

SONG CHORVOIN  
Dale LYSAK  
Keith RAYNOR

For Court Management Section:

UCH Arun  
SOUR Sotheavy

## INDEX

### MR. PROM SOU (TCW-548)

Questioning by Mr. Vercken .....	page 2
Questioning by Mr. Kong Sam Onn .....	page 19
Questioning by Mr. Koppe.....	page 34

### MR. CHAU SOC KON (TCW-84)

Questioning by the President.....	page 51
Questioning by Mr. Kong Sam Onn .....	page 55
Questioning by Judge Lavergne .....	page 76
Questioning by Mr. Raynor.....	page 87
Questioning by Mr. Lor Chunthy .....	page 103
Questioning by Mr. Auboin .....	page 109

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. AUBOIN	French
MR. CHAU SOC KON (TCW-84)	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LOR CHUNTHY	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. PROM SOU (TCW-548)	Khmer
MR. RAYNOR	English
MR. VERCKEN	French
MS. YE	English

Extraordinary Chambers in the Courts of Cambodia

Trial Chamber – Trial Day 182

Case No. 002/19-09-2007-ECCC/TC

22/05/2013

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 As we scheduled, this morning we will continue to hear the  
6 testimony of the witness, who will be questioned by the defence  
7 teams.

8 We would like to also inform the parties that Judge You Ottara is  
9 back on the Bench.

10 Ms. Se Kolvuthy, could you report the attendance of the parties  
11 and individuals to today's proceedings?

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all parties are present,  
14 except Son Arun; the national counsel for Nuon Chea is absent due  
15 to his health.

16 As for Mr. Nuon Chea, he is present in the holding cell  
17 downstairs, based on the decision of the Trial Chamber concerning  
18 his health.

19 [09.06.10]

20 For this morning's proceedings, we shall continue to hear the  
21 testimony of the witness Prom Sou, and he is present in the  
22 courtroom.

23 For the afternoon session, we will hear the testimony of TCW 84  
24 through video-conferencing from France. This witness confirms  
25 that to (unintelligible), the witness has no relationship by

1       blood or by law to any of the two Accused or any of the civil  
2       parties recognized in this case. The witness will testify prior  
3       to commencement of their testimony (sic).

4       Today, we also have a reserve civil party – that is, TCCP-187.

5       Thank you.

6       MR. PRESIDENT:

7       Thank you.

8       The floor is now given to Khieu Samphan's defence to put  
9       questions to this witness. You may proceed.

10      [09.07.18]

11      QUESTIONING BY MR. VERCKEN:

12      Thank you, Mr. President. Good morning to the Chamber and to the  
13     parties.

14      Good morning, Witness. My name is Arthur Vercken, and I am one of  
15     Khieu Samphan's lawyers and I have a few questions – a few  
16     follow-up questions to put to you. I'm going to try to be – to  
17     start with general questions and then move on to the specific,  
18     and I don't think I'll be too long.

19      Q. Yesterday, when you were examined, you explained that at the  
20     end of 1977, you had attended a meeting during which the creation  
21     of the – of the Northern Zone was announced, and you said that  
22     Sector 103 – which, up until then, was autonomous – fell under  
23     the governorship of the Northern Zone. Is that the case?

24      MR. PROM SOU:

25      Good morning, Mr. President.

1     A. What you – as what you have stated, Sector 103 after that  
2       became under the control of the North Zone.

3       [09.09.02]

4     Q. Thank you. And what I would like to know is: Did Sector 103  
5       remain under the control of the Northern Zone until the end of  
6       the Democratic Kampuchea regime, until the Vietnamese arrived?

7     A. Yes, that is correct. From that time onward, Sector 103 was  
8       under the control of the zone. But in fact, before that, there  
9       was another change of the administrative structure.

10    Q. I believe that I missed a part of the translation, because I  
11       heard the interpreter in the distance and I'm not sure that I got  
12       the entire sentence. Could you please repeat, Witness, what you  
13       have just said? Because maybe – I'm just saying maybe–  
14       Okay, let me just change my headset; maybe that's the problem.

15    I apologize, Witness, but I have to put the question to you  
16       again. Can you please – well, rather, could you please repeat  
17       your answer? I think I missed part of it.

18    A. I would like to state that since after the establishment of  
19       the zone, Sector 103 came under the control of that zone. And  
20       under the control of the zone, it lasted until 1979. However, in  
21       between that, there was another change of the administrative  
22       structure.

23       [09.11.38]

24    Q. And what kind of change are you speaking about? Can you  
25       explain this more in detail, please?

1     A. For the zone level, Kang Chap was the chairman of the zone for  
2     a while, and later on Soeun replaced Kang Chap. As for Sector  
3     103, Ta Khim was replaced by Svay Voeun.

4     Q. Fine. So this was a change of leaders, but not of a change of  
5     a structure in itself. It is the people who were changed, not the  
6     structure. Is that the case?

7     A. Yes, that is correct.

8     Q. In the context of your work, once the Northern Zone was  
9     created at the end of 1977, did things change? Did things change  
10    in your activities, in your professional activities between the  
11    end of '77 and the beginning of '79? Were there any changes? For  
12    example, the fact that the Northern Zone was created, did that  
13    change the people with whom you would interact, or did nothing  
14    change at your level?

15    [09.13.34]

16    Q. As for my personal duties, after the arrest of Bong Hang, I  
17    herded cattle in the forest. I did not have to deal with any  
18    reporting to the new sector level.

19    However, after Svay Voeun coming to become the new Sector  
20    Chairman of 103, he called me to meet him and he assigned me to  
21    prepare a new worksite in Sector 103, in Rovieng district, in -  
22    that is, in Bos Siem - and to gather those scattered forces to  
23    gather the cattle for production, and that is to work on that  
24    worksite in Kouk Khdau (sic), in Sector 103, and that was in  
25    Rovieng commune, Rovieng district, Sector 103.

1     And after the working commenced on the worksite, I made a report  
2     to him regarding the production output from 3.5 tonnes per  
3     hectare to 7 hectares. And that was a short period of time until  
4     the fall of the regime in 1979.

5     Q. Well, I would like you to speak to me a little bit about Svay  
6     Voeun. Do you (sic) have another name – do you – are you aware of  
7     another name? Do you only know him under the name of Svay Voeun  
8     or do you know if he also had another name?

9     [09.15.47]

10    A. As far as I know, he did not have any other name. And I did  
11    not know his background that well. In Sector 103, I always  
12    referred to him as Bong Voeun, and I did not know whether he had  
13    any other name.

14    Q. Are you able to tell us when he arrived? It was in 1978, but  
15    do you know the month in '78 when he arrived in order to assume  
16    his duties as leader of Sector 103?

17    A. I cannot recall the exact date. However, it was likely in mid  
18    1978.

19    Q. You just said that Svay Voeun summoned you in order to entrust  
20    you with a task at Rovieng and that you completed this task until  
21    1979. When you were summoned by Svay Voeun, was he already the  
22    leader of Sector 103 – was he already officially the leader? And  
23    was it under that capacity that he summoned you to give you  
24    instructions?

25    A. At that time, he was in the Rovieng School. He walked to the

1 school and asked where all the teachers were, and the villagers  
2 told him. So then he called those people to come and meet him at  
3 the Rovieng School. That was at the time he was - he acted as the  
4 new chairman of the sector.

5 [09.18.39]

6 Q. Fine. So, that is to say, in mid 1978 you attended a meeting  
7 with Svay Voeun, who was a former teacher, or - during which,  
8 officially, the new leader of Sector 103 had assigned you new  
9 tasks. Is that the case?

10 A. Yes, that is correct.

11 Q. So, once Svay Voeun was appointed to this position as leader  
12 of Sector 103, did you also have direct conversations with Svay  
13 Voeun, in particular to report on your work in Rovieng?

14 A. When he called me to meet him, he did not speak in length; he  
15 gave me the task of achieving the 3.5 tonnes per hectare to 7  
16 tonnes per hectare.

17 As for the forces, he asked me to gather those forces who had  
18 been scattered since under the control of Ta Khim. And area where  
19 we had to work, it was to the west of the Rovieng Commune Office,  
20 which was not far from the Rovieng School.

21 [09.20.38]

22 As for the tools and equipment, we needed to gather those  
23 existing tools and equipment as far as the gathering of the  
24 cattle and to build sheds for the workers to work there.  
25 And he did not speak on any other matters, only on these matters

1     that I have just mentioned. And he said that he told me in his  
2     capacity as the new chairman of Sector 103, and he talked that  
3     people had been arrested quite a lot when Ta Khim was the  
4     chairman of the sector and that we should not be concerned about  
5     that because Angkar would pardon those people or offenders in the  
6     least, that Angkar had already pardoned them. And that was all.

7     Q. And then, in the context of your activities as of mid 78 and  
8     for the following six months, did you see Meas Voeun again – Svay  
9     Voeun again?

10    A. Yes, I, from time to time, met with him because he was newly  
11    appointed, so he had to make trips to various other districts.  
12    And the last time that I met him in Sector 103 was the time that  
13    the Vietnamese troops arrived. He fled, and I also fled and I met  
14    him along the way.

15    [09.23.02]

16    Q. You said in your previous answer that Svay Voeun had spoken to  
17    you about the numerous arrests that had occurred in Sector 103  
18    under the leadership of Khim, and you said that he told you that  
19    you shouldn't be worried about this because Angkar would forgive  
20    them. Did Svay Voeun materialize this? Did he, for example,  
21    release some people who had been arrested under Khim, people who  
22    were liberated – released by Svay Voeun, the new leader of Sector  
23    103?

24    A. I could not grasp the situation regarding the security matter.  
25    However, I knew that Bong Son, he returned from Siem Reap where

1 he was detained. And, in fact, he returned and he also met Svay  
2 Voeun, he also met with me. So, it seems that some people were  
3 released. And in 1979, some of those people who had been detained  
4 in Siem Reap were released, and some are still surviving.

5 Q. In 1979 – that is to say, after the fall of the Khmer Rouge  
6 regime – or were they released before?

7 A. In the case of Bong Son, I met him upon the arrival of the  
8 Vietnamese. And for other people, I met them only after the  
9 Vietnamese troops had already arrived.

10 [09.25.38]

11 Q. Svay Voeun testified, he was examined, and I would like just  
12 to tell you a few things and see how you will react. He said two  
13 things that interest me, in particular, regarding you.

14 First of all, he said that he had understood that – he only  
15 understood that he had become the leader of Sector 103 after the  
16 arrival of the Vietnamese. So, basically, he said before this  
17 Chamber that between August 1978 and 1979, he had indeed worked  
18 in Sector 103 but he did not know exactly what his position was,  
19 and it is only when the Vietnamese defeated Democratic Kampuchea  
20 that he understood that he was indeed – that he had been indeed  
21 leader of Sector 103. So, does this seem plausible to you, in  
22 regard to what you lived through yourself?

23 MR. PRESIDENT:

24 Mr. Witness, please pause.

25 The Prosecution, you may proceed.

1 [09.27.01]

2 MR. LYSAK:

3 Thank you, Mr. President.

4 Our objection would be that if counsel wishes to put parts of  
5 Meas Voeun's testimony to the witness, fine, but he needs to cite  
6 the record and read the record rather than paraphrase and  
7 characterize the testimony himself.

8 BY MR. VERCKEN:

9 Well, I have proceeded this way because I did not expect an  
10 objection.

11 Well, we're going to look for the passage, and I will submit it  
12 to you so that, indeed, we can stick to the rules.

13 Q. But in the meantime I will ask you another question, Witness,  
14 still regarding what Mr. Svay Voeun said before this Chamber.

15 This was on 4 October 2012, at 2.38 in the afternoon. It is index  
16 E1/130.1. And Svay Voeun stated that he had never spoken to you.  
17 So, what is your reaction to that statement? Does that statement  
18 seem to make sense?

19 [09.29.31]

20 MR. PROM SOU:

21 A. I do not have any evidence to show you because at that time  
22 there was no written document or any camera for me to take a  
23 photograph, but I only speak of the truth. I, indeed, met with  
24 him under his house. At that time, he spoke about the production  
25 of the 3.5 tonnes per hectare and about the hardship of the

10

1     people; he spoke briefly on this issue. And that's what happened,  
2     although I do not have anything to show you now. But I only speak  
3     of the truth.

4     MR. PRESIDENT:

5     The Prosecution, you may proceed.

6     MR. LYSAK:

7     Again, Mr. President, I'd ask that counsel quote from the  
8     statements here. I'm looking at 2.30 from that day and I'm not  
9     seeing this reference. I have a different recollection of Meas  
10    Voeun's testimony. I recall him indicating that he did meet Mr.  
11    Prom Sou.

12    But we shouldn't be relying on our recollections; he should be  
13    reading testimony – quoting testimony from the record if he  
14    wishes to put that to this witness.

15    [09.31.16]

16    MR. VERCKEN:

17    Very well.

18    You just stated, Mr. Prosecutor, the passage from 14.30. However,  
19    I'm referring to the passage that is recorded at 2.38 p.m. So  
20    perhaps, Mr. Co Prosecutor, that will enable you identify the  
21    specific excerpt.

22    And the response to the question on line 22 of the English  
23    transcript is as follows: "Yes, I know this person, but I did not  
24    speak to him." This is in document E1/130 (sic).

25    At the time, the witness was asked not to pronounce the name of

11

1     Mr. Prom Sou, and that is why he identified the individual as,  
2     simply, "the person".

3     MR. PRESIDENT:

4     Mr. Co Prosecutor, you may now proceed.

5     [09.32.34]

6     MR. LYSAK:

7     I thank you for that reference.

8     And, again, the reason why it's important that you read the full  
9     quote is, Mr. Meas Voeun was never asked about contacts with this  
10    witness during the Democratic Kampuchea period; he was shown a  
11    document and said: "I know this person, but I did not speak to  
12    him." No indication of what time period, whether he is talking  
13    about recently.

14    And no questions – if there was a question put to this witness  
15    about whether he had contact with him during the Democratic  
16    Kampuchea period, I think that's entirely appropriate for you to  
17    put that to him. But that's why I believe it's important that  
18    counsel read the actual record rather than characterize it  
19    himself.

20     [09.33.40]

21     BY MR. VERCKEN:

22     Very well.

23    Q. If we were to just move back in the transcript and start at  
24    14.35, Mr. Abdulhak begins the examination on that day, his  
25    examination of Mr. Svay Voeun. He is commencing a new line of

12

1 questioning as follows – and I am quoting directly from the  
2 transcript:

3 "I wish to show you an additional document – or one more  
4 document.

5 "Your Honours, this is a witness statement, an OCIJ record of  
6 interview number E3/420..."

7 And this interview refers to you, Mr. Witness."

8 The quote goes on to say:

9 "and it is a statement by TCW-548. This individual discusses, I  
10 believe, Mr. Voeun's activities. With your leave, I will show it  
11 to Mr. Voeun and see if he recognizes that individual, and ask  
12 him a couple of questions about issues in that statement."

13 [09.34.47]

14 The judges deliberate in order to consider Mr. Abdulhak's  
15 request.

16 The witness is reminded that he must not mention publicly the  
17 name of the person in question. The Co Prosecutor asks the  
18 witness to look at the document.

19 Following that, Mr. Meas Voeun makes the following statement in  
20 response – quote: "Yes, I know this person, but I did not speak  
21 to him." Unquote.

22 There, you have it. I believe that the necessary details have  
23 been made and shared.

24 Returning to the question I asked just now, regarding Mr. Meas  
25 Voeun, I have a response that was given on the 9th of October

1     2012, under E1/132.1. This is just before 2 p.m. - 2 p.m. and 14  
2     seconds, on page 79 of the French version. He makes several  
3     repetitious statements and says once again: "I did not know of  
4     his specific duties. I only learned of it when the Vietnamese  
5     troops invaded Cambodia."

6     [09.36.48]

7     He is then asked: "Am I to believe that you were responsible for  
8     Sector 103 in January 1979?"

9     Answer – and I quote: "I was told about this. It was not in 1979;  
10    it was in August 1978. It was not yet 1979. I remember that it  
11    was four months before 1979. I was not told precisely of what  
12    kind of functions I would be executing until the Vietnamese  
13    arrived."

14    Those are the words of Mr. Meas Voeun.

15    When he arrived in Sector 103, he was unaware of his exact  
16    duties. However, you, Mr. Witness, just a few moments ago, you  
17    have stated under oath that in May 1978 Mr. Meas Voeun gave you  
18    instructions to work in Rovieng and to oversee the production of  
19    rice and that he had given you such orders in his capacity as the  
20    new leader of Sector 103. There appears to me to be a  
21    contradiction. Therefore, I wish to have your reaction to these  
22    facts.

23     [09.38.36]

24    MR. PROM SOU:

25    A. I don't understand the testimony of Svay Voeun. As an ordinary

1 citizen in Sector 103, that was my understanding. And indeed,  
2 after Khim disappeared, he emerged.  
3 And when it comes to his role and status, I think it was the task  
4 that he was assigned by the Centre. And to my understanding, no  
5 position was vacant at all during that period of time. So, it is  
6 our belief that Svay Voeun would be the successor of Khim in  
7 Sector 103, although there was no such announcement that he was  
8 holding the position, but we saw him oversee Sector 103. And to  
9 put it simply, no announcement was ever made by the Centre or the  
10 zone regarding this position of Mr. Svay Voeun.

11 And, again, whatever he says, it's up to him.

12 [09.40.29]

13 Q. Mr. Witness, may I just have one clarification? Because I'm  
14 not sure I entirely understood your last sentence. You were  
15 saying that training was not provided, but at the same time-  
16 Can you please elaborate? I didn't fully understand what you just  
17 said.

18 A. I just said that, regarding Svay Voeun, who came to work at  
19 Sector 103, there was no official announcement that Svay Voeun  
20 was installed as the Secretary of Sector 103. Nonetheless,  
21 everyone in Sector 103 knew that it was Svay Voeun who was the  
22 Secretary of Sector 103 and that he was the successor of Mr.  
23 Khim, who had disappeared before his arrival.

24 And my understanding is that the Centre would never leave this  
25 position vacant and that someone must be in place to oversee this

1 sector when another person gone.

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

3 I have two questions remaining, I believe.

4 I just want to return to the topic of the release of prisoners,  
5 the release that was authorized by Svay Voeun, and I will read  
6 back to you an answer that you provided to question 13 during  
7 your interview with the – with the investigators from this  
8 tribunal. It is under E3/420.

9 [09.43.06]

10 Question 13 reads as follows: "During the period that Svay Voeun  
11 was the chairman of Sector 103, were there still arrests of the  
12 sector's cadres?"

13 You answer the following:

14 "From my memory, there were no more arrests. He tried to come and  
15 deal with the emotional fear of the cadres and people living  
16 there. He released those prisoners who were arrested and sent to  
17 the security centre when Ta Khim was in power."

18 Mr. Witness, does this refresh your memory with respect to the  
19 prisoners who were released by Svay Voeun, based on your  
20 interview that was given in November – 24th, 2009?

21 MR. PRESIDENT:

22 Co Prosecutor, you may proceed.

23 [09.44.13]

24 MR. LYSAK:

25 Thank you, Mr. President. Just one objection to the form of the

1 question.

2 Mr. – Counsel Vercken stated that it was Svay Voeun who had  
3 authority to release the prisoners. In fact, the witness's  
4 testimony earlier was that it was Angkar who had authority on  
5 this issue.

6 So I think, if he's going to reference testimony of the witness,  
7 he should do so accurately and not mischaracterize what the  
8 witness said.

9 MR. VERCKEN:

10 Mr. President, is it really necessary for me to reply to that  
11 objection?

12 I simply read back the witness's interview. There has been no  
13 interpretation of the facts. I have been very cautious to not  
14 distort the words of the witness.

15 [09.45.18]

16 MR. LYSAK:

17 Mr. President, just to be clear, it's what he said before reading  
18 that, where he characterized the testimony just provided as being  
19 that it was Voeun who had the authority to release prisoners.

20 MR. VERCKEN:

21 Mr. Co Prosecutor, I would request that you refrain from making  
22 interventions that are aimed at preventing the witness from  
23 replying.

24 I am seeking clarification from the witness, and I find the Co  
25 Prosecutor's method to be entirely inappropriate. I therefore

1 request that his objection be dismissed.

2 (Judges deliberate)

3 [09.47.53]

4 MR. PRESIDENT:

5 Mr. Witness, you are now directed to respond to the question.

6 And just please be more precise. Who had the authority to release  
7 the prisoners?

8 MR. PROM SOU:

9 A. I don't know who had the authority to release the prisoners,  
10 but I know that the prisoners – some of them were released, and  
11 the last batch of them to be released were seen just immediately  
12 when the Vietnamese was approaching – were approaching. So all  
13 the prisoners were released at that time.

14 BY MR. VERCKEN:

15 Q. You won't be surprised – or perhaps so. Is that – what  
16 interests me is the group of prisoners who were released before  
17 the arrival of the Vietnamese. You just referred to the last  
18 group of prisoners, so that would infer that there were some  
19 groups who were released prior to the arrival of the Vietnamese.  
20 Is that correct?

21 [09.49.38]

22 MR. PROM SOU:

23 A. As I already stated earlier on, I do not fully grasp this, and  
24 it was up to people in authority who had the decision to make.  
25 But I met a person by the name of Phon (sic) who was released

1 prior to the arrival of the Vietnamese, and I asked him - rather,  
2 he asked me where I had been, and I said I was herding cattle in  
3 the forest. And he also said that when the Vietnamese approached  
4 Preah Vihear province, Svay Voeun and other people were on the  
5 run, and the persons who oversaw the prison had to release all  
6 the prisoners.

7 Q. I shall move on to a different subject; it regards certain  
8 people you talked about, namely one individual by the name of  
9 Prum Son.

10 Do you recall having talked about this lady?

11 [09.51.48]

12 A. I don't understand this. I don't recall when I have said about  
13 this and where I said that, but I think you may repeat the  
14 question so that I'm clear.

15 Q. Yes. I will try to be more specific by reading your response  
16 to question number 3 as recorded on the written record of  
17 interview.

18 Witness: "There was the elder sister of (sic) Son, who was the  
19 wife of the eldest brother, Phan (sic), and they were at Sector  
20 103; they were in charge there."

21 A. I know all the cadres in Sector 103, including Son, and I  
22 still know him (sic) very well.

23 Q. Mr. Witness, do you recall if this lady was the head of the  
24 women's unit when she was part of the governing committee of  
25 Sector 103?

1 A. When she became a member of Sector 103, she was in charge of  
2 women group. However, the immediate - or the actual chairperson  
3 was the person by the name Yiet.

4 [09.54.33]

5 MR. VERCKEN:

6 Mr. President, I have no further questions.

7 Mr. Witness, I am grateful for your responses.

8 MR. PRESIDENT:

9 Thank you.

10 Now, National Counsel for Mr. Khieu Samphan, you may proceed.

11 QUESTIONING BY MR. KONG SAM ONN:

12 Thank you, Mr. President, and thank you, Your Honours.

13 Very good morning to you, Mr. Prom Sou. I am national counsel for  
14 Mr. Khieu Samphan. I have just a few more questions for you,  
15 please.

16 [09.55.07]

17 Q. You just testified regarding the leaders of Sector 103 and you  
18 said you know a lot of them. Can you tell the Chamber now,  
19 please, who were the main leaders of Sector 103 during different  
20 period of time during the Democratic Kampuchea?

21 MR. PROM SOU:

22 A. There were three stages for Sector 103.

23 The first phase, Man was the Secretary of Sector 103. There were  
24 also his deputy and a member.

25 And for the second phase, when Man passed away, Hang was the

1     deputy of the sector - at that time was then overly (sic) in  
2     charge of Sector 103.

3     Then, the third phase, after Hang had been arrested, Khim was  
4     installed to overly (sic) be in charge of all aspects of Sector  
5     103.

6     And, finally, Svay Roeun won was seen in place, supervising  
7     Sector 103.

8     Q. Thank you. You were mentioning about Man, who was the first  
9     Secretary of Sector 103, and that he passed away. Can you tell  
10    the Chamber, please, how did he die?

11    A. I didn't talk about Nham (phonetic) as you mention; it was  
12    Man, perhaps, you were referring to.

13    [09.57.26]

14    Q. Can you clarify the time they - the time when the first person  
15    supervised Sector 103? Was he Man or Nham (phonetic)?

16    A. He was Man. I don't know his surname, but he was known as Man.  
17    And he died in - about 1974, because he was still alive when I  
18    was injured and admitted to the hospital and he paid a visit to  
19    me at the hospital. But he died during a grenade incident.

20    Q. Thank you. So, in 1974, Hang was the successor of Man; is that  
21    correct?

22    A. After Man passed away, I learned that Hang was the deputy  
23    secretary of Sector 103 - [correction from the interpreter:] Hand  
24    became the secretary when - from his deputy secretary position.

25    Q. Can you tell the Chamber about the relationship between Hang

1 and Man?

2 [09.59.17]

3 A. As I already testified, Sector 103 was classified into three  
4 sections: it was Section 1 and Section 2. And I got to know these  
5 person very well when I worked in this sector, and - I got to  
6 know him - or them more well when I worked at the worksite,  
7 building dams near that - near the office of that sector.

8 Q. Thank you. My question is: How long did you know Hang?

9 A. I knew him from the time he came to "Kor-2" until the day of  
10 his arrest.

11 Q. So, was it from 1974 or was it prior to 1974?

12 A. He came to "Kor-2" since 1970 and he remained there until  
13 1974.

14 Q. Let me confirm that you knew Hang since 1970 until the day of  
15 his arrest; is this correct?

16 A. Yes.

17 Q. Can you tell us when Hang was arrested?

18 A. I knew that after the announcement that Kang Chap - Kang Chap  
19 became the new zone chairman, he disappeared.

20 [10.02.11]

21 Q. Thank you. What was your relationship to Hang? Was it is in  
22 capacity as supervisor, or was he your friend?

23 A. I knew Hang not in a friendly manner; it was in the work  
24 nature of his role within the sector. And when I joined the -  
25 when I became the Party member, he was the one who inducted me.

1     Q. Thank you. Based on your experience working with Hang, what  
2     was he like in terms of work? How did he manage his duties? And  
3     what was his character or his leadership character? Can you  
4     describe it to the Chamber?

5     A. Hang – yes, I can do that. He was an active cadre within  
6     "Kor-2", under Sector 103, and he was also popular amongst the  
7     cadres and the people within the area under his supervision. But  
8     when it came to the accusation that he was part of a traitorous  
9     network, I did not know.

10    [10.04.17]

11    Q. Thank you. You said you knew that he was an active cadre. Can  
12    you describe briefly regarding the work that he did in Sector  
13    103?

14    A. His achievements in Sector 103 were that he saw the difficulty  
15    of the conditions during the (unintelligible) with the Americans  
16    – with the United States. And he tried to resolve the living  
17    condition of the people, for instance by providing salt to the  
18    people. And number 2 is his leadership role by adhering to the  
19    Party's line and to the Angkar's line, that – he tried to deal  
20    with the water issue, as the area we lived in was of highland  
21    area. So he managed to build a large dam – that is, the Ou Talok  
22    (sic) Dam; it was the biggest in the history in that area – so  
23    that the water could be retained for the irrigational purposes.  
24    He also established agricultural worksite, in which I also  
25    worked, and encouraged the production units to go and work in

1 various areas along the river, for instance, at Ta Saeng, at  
2 Phnom Thnaot, at Sae Sovann (phonetic), at Tonloab.  
3 And after I got injured, another worksite was established in  
4 Cooperative 31, which was the production site for the sector as  
5 well. And another production worksite was at B-30, which was near  
6 Mum Bei (phonetic) in Choam Khsant.

7 [10.06.42]

8 So, as you can see, he tried his best to deal with the living  
9 condition, with the - with the highland area and tried to achieve  
10 the production between 3.5 tons to 7 tons per hectare.

11 And previously there was no rice mill, but under his leadership  
12 he made a request to the zone to request for the rice mill  
13 machines for Sector 103, to request for sectors - for B-31. And  
14 he also requested for various other machineries for the sector.

15 These were the - some of the achievements that I personally knew.

16 Q. Thank you. You said that Hang was rather popular. And can you  
17 tell the Chamber further regarding this point?

18 A. His popularity was that he went to the base to meet with the  
19 people almost everywhere within the area. So the people knew him  
20 as the chairman of the sector, representing Angkar.

21 And, number 2, he's a very down-to-earth cadre. He would go  
22 wherever he had to go to. He would go with the forces from the  
23 unit or with the people.

24 [10.09.00]

25 Q. Thank you. Can you tell about the feeling of the people living

1     in Sector 103 toward Hang?

2     A. While I was there, the people living in Sector 103 respected  
3     him and loved him, as well as Man. People loved them both. They  
4     appreciated his work.

5     Q. Thank you.

6     Earlier you talk about the effort for water retention for  
7     agricultural purposes. Can you tell us about the geographical  
8     extension of Sector 103 – what districts came under Sector 103?

9     A. As I stated from the outset, Sector 103 was a highland area;  
10    there were no extensive rice field. However, it was kind of good  
11    because certain areas were kind of lowland that the water could  
12    be retained for rice production.

13    And in Tonloab, the area was quite low, and the water could be  
14    used there for the production – for the distribution of water and  
15    rice for the people there.

16    And in Kuleaen district, at the base of the mountain, the area  
17    was quite extensive. That is in comparison to the highland area.  
18    But if you compare this kind of land to the real lowland area, it  
19    is still pretty small. However, dry-season rice farming could be  
20    done in the area.

21    And in the area where I worked, in Tonloab, we could engage in  
22    rice farming; that is in Chhnuon commune. Here I refer to the  
23    dry-season rice farming.

24    Q. Thank you. What about the source of water – river, large  
25    creek, for example, that water could be extracted from them? What

25

1 was it like?

2 [10.12.27]

3 MR. PRESIDENT:

4 Witness, please pause.

5 The National Lead Co-Lawyer, you may proceed.

6 MR. PICH ANG:

7 Mr. President, the questions from the counsel were of the details  
8 nature regarding the geography, which is of no interest to Case  
9 002/1, and it is not relevant to the Democratic Kampuchea, so I  
10 believe this question is out of the scope.

11 MR. KONG SAM ONN:

12 Mr. President, I will, later in my series of questions, present  
13 the relevancy of my questions, in particular on the issue of  
14 water, which was managed at the time by the chief of the sector  
15 and the chief of the zone. And what we want to know is to compare  
16 the existing documents in the case file to the statement made by  
17 this witness.

18 For that reason, I'd like the witness to respond.

19 [10.13.52]

20 MR. PRESIDENT:

21 The objection raised by the Lead Co-Lawyer is not sustained.

22 Mr. Witness, you're instructed to respond to the question put to  
23 you by the national counsel for Khieu Samphan.

24 MR. PROM SOU:

25 A. Based on my understanding of the geographical area in Sector

1     103, I was pretty familiar with the agricultural site. The  
2     primary work was to engage in rice farming, and also - we also  
3     did some plantation or farming which did not really need a lot of  
4     water.

5     We, of course, had some water at some old temple, for example, at  
6     the Prasat Bakan (phonetic). There was a lowland area behind the  
7     temple and there was a worksite there. And, actually, dry-season  
8     farming was done there since 1972-1973 in the midst of the  
9     bombardment. And the water could be irrigated from that area for  
10    dry-season farming.

11    [10.15.17]

12    And secondly, in B-31, we assisted with one another to work in  
13    that area, and there was a big dam, which is still existing  
14    today; that is for the irrigation purpose. It's a bit ruined at  
15    the moment and it needs some repair.

16    At B-30, which was located between Mum Bei (phonetic) and Choam  
17    Khsant, we could engage in farming there. And currently the water  
18    is much better, and farming is still being done in that area.

19    And besides that, there had been some smaller dams, and there was  
20    also a river coming down from the mountain. But, of course, we -  
21    it would be unfeasible to retain that kind of water. We could  
22    only retain water at smaller creeks or dams.

23    So, concerning the geographical location, we was (sic) kind of  
24    fortunate to be able to engage in rice farming. And as I said,  
25    because then I was at Tonloab and water could be retained for the

1     farming purposes and the water could even flow down to Saen  
2     River, but usually we would retain the water for rice farming.  
3     But, in fact, it was not fully operational as the Trapeang Thma  
4     water reservoir.

5     [10.17.25]

6     BY MR. KONG SAM ONN:

7     Thank you.

8     Q. Can you tell us the landscape of the agricultural land for  
9     rice production? As you stated, you are well familiar with all  
10    the geographical and agricultural locations in the sector.

11   Comparing to this source of water that you could retain, was the  
12   water sufficient for the irrigation in the entire sector?

13   MR. PROM SOU:

14   A. From my actual observation – for example, in Roleab or in Phda  
15   (phonetic) – at that time the water source was from the old time  
16   preparation. And at B-31 there was another creek, and the water  
17   was not that much during the dry season, but there was plenty of  
18   water during the rainy season, and the creek – the flow was – the  
19   flow water from the creek was retained for the irrigational  
20   purposes.

21   And there were quite a lot of people working in that area. There  
22   were about 2,000 hectares of rice farming in that area. And  
23   people from various districts engaged in rice production and  
24   farming in the area.

25     [10.19.25]

1 During Democratic Kampuchea period, that area was still part of a  
2 forest, like in B-30, and there was no actual means to clear the  
3 entire forest. However, currently, the area has been cleared for  
4 thousands of hectares, and they also built a road leading up to  
5 Mum Bei (phonetic).

6 Q. Due to time constraint, I'd like you to only focus on the  
7 period in between Democratic Kampuchea period, which is the core  
8 of the case.

9 You stated that there were 2,000 hectares. Are you referring to  
10 the agricultural land within the entire Sector 103, or was it  
11 just part of the agricultural lands within Sector 103?

12 MR. PRESIDENT:

13 Witness, please pause.

14 The Lead Co-Lawyer, you may proceed.

15 [10.20.47]

16 MR. PICH ANG:

17 Thank you, Mr. President.

18 I was on my feet once to object, and now, of course, I still –  
19 I'm still waiting for the relevancy of the questions as claimed  
20 by the counsel. And so far we haven't received any relevancy of  
21 the questions or to the policies or the implementation of the  
22 policies of Democratic Kampuchea. For that reason, it is out of  
23 the scope of the facts being put before this Chamber.

24 For that reason, I'd like the Bench to reject this kind of  
25 questions and direct the counsel for a better and useful and

1 relevant question of - lines of questioning.

2 MR. KONG SAM ONN:

3 As I said, I would present the relevancy of the questions and it  
4 is at my disposal to present the relevancy of my questioning; it  
5 is not the role of the Lead Co-Lawyer. And this is my approach  
6 that I use with this witness, and I will present the importance  
7 and relevancy in due course.

8 (Judges deliberate)

9 [10.22.45]

10 MR. PRESIDENT:

11 The Chamber also have heard the questions put to the witness by  
12 the counsel, and of course those questions seem not too relevant  
13 to the facts. And the second objection raised by the Lead  
14 Co-Lawyers – that after a series of questions, there seems to be  
15 no presentation of the relevancy of those questions.

16 For that reason – for this reason, this kind – or this series of  
17 questions shall not be put again to this witness.

18 And, Witness, you're instructed not to respond to this line of  
19 questioning by the national counsel for Khieu Samphan.

20 MR. KONG SAM ONN:

21 Mr. President, I'd like to give a document to the witness – that  
22 is, document E3/1091. The document has been given to the witness  
23 already by the prosecutor. If not, I can deliver this copy to  
24 him.^

25 [10.24.05]

1 MR. PRESIDENT:

2 Counsel, could you repeat your document again?

3 MR. KONG SAM ONN:

4 That is telegram number 53.

5 Mr. Witness, do you still have it?

6 MR. PRESIDENT:

7 Counsel, you may complete your question.

8 And, the Prosecution, you need to sit down and listen to the line

9 of questioning first.

10 [10.24.44]

11 MR. KONG SAM ONN:

12 The document number is E3/1091, which is telegram number 53, and

13 the title of the telegram is "To Beloved and Missed Committee

14 870". It was signed by Sae on the 23rd August 1977.

15 MR. PRESIDENT:

16 The Prosecution, do you have anything to raise?

17 MR. LYSAK:

18 Simply, I was rising, Mr. President, to note that a copy of this

19 document wasn't presented to the witness yesterday; I simply read

20 from it. So the witness does not have this document. I have no

21 objection to him being provided it - I have a copy of the Khmer

22 myself - but I just wanted to make sure that counsel was aware

23 that the witness did not have this document.

24 MR. PRESIDENT:

25 Court Officer, could you deliver the document from the defence

1       counsel for Khieu Samphan for the witness examination?

2       [10.26.27]

3       BY MR. KONG SAM ONN:

4       Q. Mr. Prom Sou, could you please read the part where I crossed  
5       with a red pen? That is on page 1.

6       (Short pause)

7       Have you finished reading that passage?

8       MR. PROM SOU:

9       A. I'm still reading.

10      Q. Allow me to read the passage and you can also read along with  
11     me so that we can save some time. The passage that I highlighted  
12     is the following:

13      "The reason that some people in certain villages lacked food was  
14     not the issue of fertilizer or water, but in fact the cadres did  
15     not understand the Party's line on agricultural production and  
16     not to build their stance properly yet. And some cadres resorted  
17     to pacifism. And amongst the people there still had conflicts  
18     between the ones who were extremely active and the ones who were  
19     less active. Cadres did not pay attention to and finding any  
20     solution for this conflict, making the extreme activity become  
21     weaker and weaker." End of quote.

22      [10.28.59]

23      That is the report made by Sae and it read Zone 801 and of course  
24     you already know who Sae was. And what I want is your observation  
25     based on your knowledge of knowing the area in Sector 103 - that

1     is, the agricultural land, the geographical area of Sector 103  
2     and whether the content of the passage that I just read reflect  
3     the actual situation, based on your observation and based on your  
4     knowledge of the cadres there, including Hang?

5     MR. PRESIDENT:

6     Witness, could you please hold on?

7     And, Counsel Beini Ye, you may now proceed.

8     MS. YE:

9     Thank you, Mr. President. I just have a remark to make.

10    It's not really an objection, but the counsel yesterday raised to  
11    object of putting documents to a witness before asking the  
12    witness whether he has seen this document before, but he's now  
13    applying the same method today.

14    [10.30.34]

15    So my remark is, I do not object to this method, but I urge that  
16    everyone, every party has the right to use documents in the same  
17    way.

18     MR. PRESIDENT:

19    Indeed, parties are allowed to put the document for  
20    cross-examination, as long as the document is already informed to  
21    other party and that it's debated.

22    BY MR. KONG SAM ONN:

23    Q. Mr. Witness, if you still remember my question, you may  
24    respond.

25    MR. PROM SOU:

1     A. So far as I remember, I talked about hardship in that  
2     geographical location. And in that telegram, it was about the  
3     hardship that was resulted from the lack of understanding among  
4     cadres of the area.

5     [10.31.59]

6     And I can see that when I was in Sector 103, I noted that the  
7     cadres and combatants as well as the civilians who were in Sector  
8     103, had to follow the lines by the Angkar and I would never  
9     object to the statement by the telegram. Nonetheless, it does not  
10   reflect the reality. I am talking the truth.

11   At B-31 worksite, a person who was the secretary of Kuleaen  
12   district was installed as the chairman of worksite B-31, and he  
13   did his best to oversee this worksite. However, because he was  
14   new to the location, life was hard, but people could be gathered  
15   to grow rice more productively. But that's at the cost of the  
16   hardship of all the people in the area, because they were to dig  
17   canal, build dams.

18   We also noted that there was a surplus of rice in all  
19   cooperatives and villages. I can tell you that rice production  
20   was good at that time. But at the same time I knew that life was  
21   difficult, because I, as member of this sector, had to be engaged  
22   in this hard work to make sure we produce a lot of rice.

23     [10.34.29]

24   MR. KONG SAM ONN:

25   Thank you, Mr. Prom Sou.

1 And thank you, Mr. President, Your Honours, for the floor.

2 MR. PRESIDENT:

3 Counsels for Mr. Nuon Chea, do you wish to put some questions for  
4 the witness, please?

5 MR. KOPPE:

6 Yes, Mr. President, thank you. Good morning, Your Honours. Oh,  
7 yes, sorry, yes, yes.

8 MR. PRESIDENT:

9 I thank you, Counsel.

10 Indeed, I just wished to know whether you would wish to put some  
11 questions. If you – yes, you already indicated that you have some  
12 questions, but it is now appropriate moment already for the  
13 adjournment.

14 The Chamber will adjourn briefly, and then, when the next session  
15 resumes, Counsel, you may proceed with your question.

16 Court officer is now directed to assist the witness.

17 And the Court is adjourned.

18 (Court recesses from 1035H to 1059H)

19 MR. PRESIDENT:

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

21 The floor is given to Nuon Chea's defence, to put questions to  
22 this witness. You may proceed.

23 QUESTIONING BY MR. KOPPE:

24 Thank you, Mr. President. Once again, good morning, Your Honours.  
25 Good morning, Counsel.

1     Good morning, Mr. Witness. My name is Victor Koppe. I am the  
2     international counsel for Nuon Chea. I don't have very many  
3     questions, just a few follow-up questions.

4     Q. This morning, you testified that you knew all the cadres in  
5     Sector 103. Did you mean that literally? Did you really know all  
6     the cadres in that sector?

7     [11.01.20]

8     MR. PROM SOU:

9     A. As I stated, during the first administration under Ta Man as  
10    the sector chairman, I knew most of them. But under Ta Khim  
11    supervision, I only knew Ta Khim.

12    Q. But when you say you knew all the cadres in Sector 103, did  
13    you mean to say that you also knew mid-level cadres, low-level  
14    cadres, soldiers belonging to the armed forces – the  
15    Revolutionary Armed Forces, for instance?

16    A. The cadres whom I knew were at the sector level, the district  
17    level, and some of the military commanders at the battalion level  
18    situated along the border. But I would not know the cadres at the  
19    village level. I knew some cadres at the cooperative level.

20    Q. In your statement to the OCIJ, Mr. Witness, you also referred  
21    to Sector 106. Did you know cadres or revolutionary soldiers in  
22    that particular sector?

23     [11.03.30]

24    I will – apparently I wasn't heard, Mr. Witness, so I will repeat  
25    my question. In your OCIJ statement, you also referred to Sector

1      106.

2      My question to you is if you also, in that – in those times,  
3      between 1970 and '79, knew cadres, revolutionary soldiers, in  
4      Sector 106?

5      A. As for Sector 106, I knew the chief of the sector – that is,  
6      Soth – and a member of the sector by the name of Sien. When I  
7      went to the sector, I would have meals with Sien at his place.

8      So, over there, I met Soth and Sien.

9      Q. Would you be able expand a little bit on your knowledge of the  
10     things that happened in Sector 103 between 1970 and 1979. Were  
11     you well-aware of things that took place in Sector 103?

12     A. Regarding the situation that I experienced from 1970 to  
13     1972–73, there were aerial bombardments along the road from  
14     Steung Trang, crossing to Preah Vihear. There were B-52 planes,  
15     for example. And there was a big flood in 1972, as well. And the  
16     third point that I recall is that, on the 17th April 1975,  
17     Cambodia was liberated, and the Revolutionary Army of Cambodia  
18     liberated the country, and subsequently, as I stated earlier,  
19     there were changes of cadres within the sector. And there were  
20     arrests in 1977. These are the things that I observed and  
21     experienced during this period.

22     [11.06.42]

23     Q. Thank you, Mr. Witness. You were asked yesterday, by the  
24     Prosecution, if Lon Nol soldiers or officials or policemen were  
25     considered enemies. And, in reply to that question, you've

1       testified that, after 17 April, Lon Nol officials and soldiers  
2       stayed in cooperatives and were not purged. Now, would you be  
3       able to explain how you knew, or how you know, that these Lon Nol  
4       officials and soldiers were not purged?

5       A. As far as I know, government officials in Preah Vihear sector,  
6       besides the soldiers who fled up the Preah Vihear Mountain, were  
7       not arrested. However, there were a few arrests, as I could  
8       understand. And, in fact, I myself was a former teacher of the  
9       old regime, but Angkar spared me, and then I was assigned to work  
10      within the movement of Democratic Kampuchea.

11      Q. When you say that a few soldiers were arrested – are these the  
12      ones that you are referring to yesterday when you testified that  
13      they were not purged and stayed in cooperatives?

14      [11.09.15]

15      A. Soldiers were not in their respective units. They were  
16      dispersed into the villages, into the cooperatives, and living as  
17      ordinary people, engaging in the agricultural production.

18      Q. Do you know anything about execution of former Lon Nol  
19      soldiers or former Lon Nol officials in Sector 103, in the period  
20      up to the liberation in '75 and afterwards?

21      A. I did not know much about that. I only knew what happened in  
22      the area where I stayed. Former government officials, police, and  
23      soldiers lived mixed with the people in the cooperatives. Some  
24      former Lon Nol soldiers got a job as repairmen or the drivers for  
25      the sector, in fact.

1     Q. You said earlier, Mr. Witness, that you knew these many cadres  
2     and even military – revolutionary military – in Sector 103. Have  
3     you ever heard from one of these cadres or soldiers, both within  
4     the period of '75-'79 or much later, about executions in Sector  
5     103 of Lon Nol officials or Lon Nol soldiers?

6     [11.11.44]

7     A. I could not grasp the entire situation. However, as I knew,  
8     some Lon Nol soldiers fled to take refuge at the Preah Vihear  
9     Temple, and in 1975, Phnom Penh was liberated on the 17 April, and  
10    the Preah Vihear Temple was liberated on the 27th of April 1975,  
11    and I did not know what happened to those soldiers who were  
12    staying at the Preah Vihear Temple.

13    As for the rest who fled up to the mountain, they came down and  
14    lived – mixed together – with villagers in various villages and  
15    cooperatives.

16    Regarding the revolutionary soldiers who were arrested in Sector  
17    103, I knew a little bit only about that.

18    Q. Have you heard from cadres that you knew in Sector 103 or in  
19    Sector 106 about a policy in place during the DK regime of  
20    tracing down or tracking down Lon Nol officials and have them  
21    executed simply because they had been members of the former Lon  
22    Nol administration?

23    A. As far as I know, the situation with the former Lon Nol  
24    officials and soldiers, including teachers, were not gathered up  
25    and killed in Sector 103. They were not. As for the tracking down

1      or arrested here and there, it was beyond my grasp.

2      [11.14.38]

3      Q. My question, Mr. Witness, specifically referred to Sector 106  
4      and whether you knew about a policy of rounding up, finding  
5      former Lon Nol officials, former Lon Nol soldiers in Sector 106.

6      Have you heard anything in that period about that, or at a later  
7      stage?

8      A. As I stated, I could not grasp the situation in Sector 106,  
9      which was not my sector. I only knew the chairman of the sector  
10     and members, but not the activities within the sector regarding  
11     the gathering up of the soldiers or the purges. I didn't know  
12     about any of these matters. And on – regarding this aspect, as  
13     well, in Sector 103, I only knew a little bit about that. Not the  
14     details.

15     [11.15.56]

16     Q. I understand. And I understand, Mr. Witness, that you're  
17     trying to distinguish between your knowledge in the particular  
18     period – 1970–1979. Have you heard later – in the eighties or in  
19     the nineties, or even in the 2000s or the years thereafter –  
20     about execution of Lon Nol officials or soldiers within the  
21     former sectors 103 or 106?

22     A. After 1975 – after the later years, including the year of 2000  
23     – I was not within Sector 106. But of course I heard people  
24     talking about other sectors, about the fighting, and about the  
25     attacks in various other sectors, and about the purges. But I,

1 personally, did not know the details of the activities in these  
2 sectors, including the Siem Reap sector or the Preah Vihear  
3 sector.

4 Q. Thank you, Mr. Witness. I'll move on to my second and last  
5 subject.

6 Yesterday, you have been testifying about a meeting during which  
7 Nuon Chea was present. You have testified that he spoke about  
8 rice production, building of dams, etc. Do you remember how Nuon  
9 Chea introduced himself before he started speaking briefly at  
10 this meeting?

11 [11.18.20]

12 A. To my recollection, he opened the meeting at the Tonloab  
13 office – he only announced about the situation and about the  
14 changes or the transformation from sector into zone. And later on  
15 he went to visit the dams and to visit my office, in the place  
16 where I work. He touched briefly only on the rice production, on  
17 the output between 3.5 tons to 7 tons per hectare.

18 Q. I understand, but my question to you was: Do you remember how  
19 he introduced himself before he started speaking, or did others  
20 introduce him and said, before he started speaking, "this is Mr.  
21 So and So"? Do you remember that?

22 A. To my recollection, he did not introduce himself. He only  
23 introduced Kang Chap alias Sae as the chairman of the new North  
24 Zone. And that's all I can remember regarding the introduction.

25 Q. If he didn't introduce himself, then I presume he was

1 introduced; maybe not. But how did you know that at that  
2 particular meeting, it was in fact Nuon Chea who was speaking to  
3 the people who were attending that meeting?

4 [11.20.40]

5 A. In fact, the people living in Preah Vihear knew that he was  
6 the president of the assembly, and there was a woman representing  
7 the Preah Vihear area – knew him very well. And from then on, we  
8 knew him.

9 Q. So, do I understand that you knew that the person that was  
10 addressing the meeting was Nuon Chea in a later stage? That you  
11 heard about that from somebody else later? Do I understand that  
12 correctly?

13 A. No, that was not correct. I knew him as Nuon Chea before that  
14 meeting.

15 Q. And how did you know Nuon Chea before that meeting?

16 A. Before the meeting, and I – when I attended a meeting, I saw  
17 him there.

18 Q. I apologize, Mr. Witness, for keeping – asking questions about  
19 this subject. But I still am not able to find out from your  
20 answers how you knew that the person that was speaking in front  
21 of the meeting was, in fact, Nuon Chea.

22 A. In fact, I got to know him through other people, because Ley  
23 (phonetic), one of his bodyguards, was from the same village. So  
24 I knew that bodyguard, and then I knew him.

25 [11.23.45]

1 Q. Had you seen, with your own eyes, Nuon Chea before you saw him  
2 at this meeting that we were speaking about?

3 A. Before the meeting at Sector 103, I never met him in person. I  
4 only knew of him through the information relayed by the chief of  
5 the sector and his bodyguard, as I stated, the person whose name  
6 Ley (phonetic), from Sector 103.

7 Q. And was this Ley (phonetic) present during the meeting that  
8 you are referring to?

9 A. Ley (phonetic) did not attend the meeting, because he was on  
10 his protection duty.

11 Q. If Ley (phonetic) wasn't present, and you hadn't seen Nuon  
12 Chea before, and the person speaking wasn't introduced, how did  
13 you know that, during the meeting - the person that was speaking  
14 about rice production was, in fact, Nuon Chea?

15 [11.25.25]

16 A. As I just stated, I knew him through other people. And I also  
17 heard of his name on the radio broadcast as he was the president  
18 of the assembly of Democratic Kampuchea.

19 Q. So the person that was speaking during this meeting, of whom  
20 you are saying that was Nuon Chea - how was he referred to? What  
21 name was being used to describe the particular person? Did they  
22 say this is Nuon Chea, or - what was his name, in your  
23 recollection?

24 A. I cannot recall that. However, he was known as Brother Number  
25 Two.

1 Q. Did you know that then, or do you know that now? Did you have  
2 that knowledge when he was speaking, or did you hear that much  
3 later?

4 A. As far as I know, people talked about Brother Number Two –  
5 that is, referred to him – prior to the meeting. I heard of that  
6 title given to him when the sector went for the meeting with the  
7 Central Committee in Phnom Penh.

8 [11.27.36]

9 Q. Did you ever hear anybody, during that meeting, addressing him  
10 as Brother Number Two, or did they use another name?

11 A. To my recollection, the word or the phrase "Brother Number  
12 Two" was not used during the meeting.

13 Q. My last question on this particular subject – and then I'll  
14 move on – but I'm trying again to have you recollect what  
15 particular name was used to address him. Was it Brother Chea? Was  
16 it Brother Nuon? Was it Nuon? Was it Chea? Was it – do you  
17 remember?

18 MR. PRESIDENT:

19 Witness, observe a pause.

20 And, the Prosecution, you may proceed.

21 MR. LYSAK:

22 Thank you, Mr. President. I object; the question is repetitive.  
23 This has been asked a number of times. The witness has provided  
24 his recollection of the meeting, and he's also indicated on  
25 multiple times that Nuon Chea came to his office after, so I

1 think counsel has exhausted this. This is repetitive.

2 [11.29.20]

3 BY MR. KOPPE:

4 Mr. President, if the witness doesn't answer a particular  
5 question, then I'll keep on asking from other directions. But  
6 I'll move on.

7 Q. Mr. Witness, do you remember how many people were attending  
8 this particular public meeting when you say Nuon Chea was  
9 addressing and speaking about rice production? How many people  
10 were in the room?

11 MR. PROM SOU:

12 A. There were people including Uncle Nuon Chea, Kang Chap, and  
13 Brother Hang. When Hang was overly in charge of the meeting – and  
14 he invited cadres from district level, and from other work sites  
15 to attend the meeting. There were about 50 people.

16 [11.30.40]

17 Q. Do you remember when the meeting was over – what happened? I  
18 remember you said you didn't have lunch. Did you see Nuon Chea  
19 leave? Can you recall what happened when the meeting was  
20 finished?

21 A. The meeting could be concluded by 11.00 a.m., if I still  
22 remember correctly, and it was Hang who was in charge of  
23 arranging where people who attended the meeting would have meals.  
24 Some ate at the place of the meeting, and some had to return  
25 home.

1 Q. Were you able to see where Nuon Chea went, after the meeting  
2 was concluded?

3 A. After that meeting, Nuon Chea visited my work site, where we  
4 cultivated the dry-season rice. And he also went to the kitchen  
5 at my work site, and he even invited - or asked Son to prepare  
6 him some pickles, so that he could have it with meal - with rice.  
7 He said he didn't like pork or beef - then these pickles.

8 [11.33.06]

9 Q. When he was visiting the work site, did he speak to you?

10 A. I was working at the work site when he paid the visit. And one  
11 of my children had to accompany him back, or had to tour him  
12 during the time when he visited the work site. And I still recall  
13 him bearing a sarong - a checked sarong - rather than normal  
14 pants.

15 Q. Do you remember when he spoke, if he had a particular accent,  
16 a particular Khmer accent?

17 A. He spoke like the way he did, with some kind of husky voice,  
18 and he talked to us. And I still remember the wordings when he  
19 talked about 3.5 to 7 tons per hectare. These words still are in  
20 my memory.

21 Q. Were you able to understand, from the way he spoke, from which  
22 region in Kampuchea he came?

23 A. I can tell that he spoke like people in Battambang are  
24 speaking now - the same dialect.

25 [11.36.00]

1     Q. And when Nuon Chea finished his pickle, did he leave the  
2     sector, Sector 103?

3     A. I do not know about this. I knew that he attended the meeting,  
4     and then paid a visit to my worksite, but whether he – when he  
5     left the vicinity is not known to me. And – but I am sure that he  
6     did not spend so much time at the work site.

7     Q. Yesterday, the Prosecution asked you about a passage in your  
8     statement to the OCIJ – that would be the answer number 10 to the  
9     question – that relates to a secret meeting, which was attended  
10    to by Nuon Chea, Kang Chap, Ta Khim and Ta Saroeun. If you're  
11    saying that he left after he had his pickle with rice, am I to  
12    understand that this meeting that you're referring to did not  
13    take place at that very same day?

14    [11.37.45]

15    A. I did not actually see him when he was having his meal, but I  
16    knew that he brought some of the pickles from my place, and –  
17    where he ate it, I don't know.

18    Q. Let me ask it in a different way. When was this secret  
19    meeting, that you have been referring to, which was attended to  
20    by Nuon Chea?

21    A. I, based on my analysis – can only say about that. Because in  
22    each meeting there was a level of secrecy, and that – the meeting  
23    was convened among the cadres and the senior leaders. But the  
24    meeting was not informed to other people, other than this circle.

25    Q. But the meeting that you are speaking about, which you

1 referred to as secret – did it take place the same day, or much  
2 later? Do you remember?

3 A. I don't know about this. But I can say that the meeting was  
4 convened within a period of one month, when Khim and Sae were  
5 appointed. And, later on, we could see a new person was  
6 installed, and the predecessors of that person disappeared.

7 [11.40.41]

8 Q. So, Mr. Witness, are you now saying that the meeting – the  
9 so-called secret meeting – took place a month after this meeting  
10 that we have been speaking about, in which – during which Nuon  
11 Chea spoke about rice production? Is that – the secret meeting  
12 was a month later; correct?

13 A. I do not remember the exact time, and indeed after that  
14 meeting that was convened in that sector, there would be another  
15 meeting elsewhere – I don't know – but again, as I already  
16 emphasized, any new meeting would never be convened more than a  
17 month after the first meeting.

18 Q. Are you now, Mr. Witness, speculating about when this alleged  
19 secret meeting took place? Or do you know?

20 A. It was based on my speculation and analysis, rather than being  
21 – witnessing this actual meeting.

22 [11.42.37]

23 Q. And is it based on the same analysis and speculation that  
24 you're saying that this alleged meeting was a secret meeting –  
25 emphasising the word "secret"?

1     A. It is true that the meeting was part of the secret meeting,  
2 because I did not attend such meeting, and it was meant for  
3 senior leaders.

4     Q. But are you able to explain to the Chamber how you know, for  
5 certain, that a meeting took place - secret meeting, between  
6 brackets - to which Nuon Chea attended, maybe a month after the  
7 public meeting?

8     A. I don't know, because the meeting was a secret one.

9     [11.44.14]

10    Q. Well, exactly, that was my point, Mr. Witness. Isn't this  
11 secret meeting, in fact, a figment of your imagination?

12    A. I say this based on my understanding of the types of meetings  
13 during the Democratic Kampuchea, because there were two kinds of  
14 meetings: the public meetings and the secret meetings.

15    Q. I'm sure, Mr. Witness, there were public meetings and there  
16 were secret meetings. But I put it to you that you have no  
17 knowledge whatsoever of an alleged secret meeting, to which Nuon  
18 Chea, Ta Kang Chap, Ta Khim, and Ta Saroeun attended. Is that  
19 correct?

20    A. I don't know how to respond to your question, but secret -  
21 secret meetings would be convened, and that without such  
22 meetings, Khim, who was the secretary of sector, would never have  
23 the instructions to convey to his subordinates, after all.

24    Q. Mr. Witness, you're again giving an answer in general terms.  
25 What I would like to put to you one more time - one last time is

1     that there wasn't a secret meeting taking place to which Nuon  
2     Chea attended. Isn't that correct?

3     [11.46.40]

4     MR. PRESIDENT:

5     Mr. Witness, you are now directed not to respond to the question,  
6     as it is really repetitive.

7     Counsel, you may also understand that witness used the terms  
8     "speculation", and he most of the time said in this testimony  
9     that he speculates. In Khmer, as we know, it's precisely clear  
10    that he already answering your questions and the Chamber wishes  
11    not to hear more from your repetitive question.

12    MR. KOPPE:

13    Thank you, Mr. President. If it is clear to you that the witness  
14    has been speculating all along, then I'm very happy today. Thank  
15    you.

16    MR. PRESIDENT:

17    Counsel for Mr. Khieu Samphan, you may now proceed.

18     [11.48.01]

19    MR. VERCKEN:

20    Thank you, Mr. President. This is not in relation at all to the  
21    witness.

22    I just have learned through your greffier that there is a civil  
23    party who was scheduled to appear for tomorrow who is available  
24    today, and I just learned that this individual has been summoned  
25    out of request, and that we shall not require very much time for

1 his examination. This is simply for your information.

2 MR. PRESIDENT:

3 Thank you, Counsel, for informing the Bench.

4 And the Chamber also envisages that we would like to hear the  
5 witness this afternoon, if the testimony on – through video-link  
6 could be concluded earlier than expected.

7 Mr. Prom Sou, your testimony session now comes to an end. You are  
8 now excused.

9 The Court is very grateful to your attendance. We appreciate your  
10 patience and efforts in responding to all the questions put by  
11 the Bench and the parties to the proceedings. We believe that  
12 your testimony may help ascertain the truth and with that we wish  
13 you all the very best.

14 Court officer is now directed to assist Mr. Prom Sou and make  
15 sure he is returned home safe and sound.

16 The Chamber wishes to inform the public and parties to the  
17 proceedings that this afternoon the Chamber is hearing the  
18 testimony of TCW-84 through video-link. The session will convene  
19 at 1.30 and the session will not be concluded until 5 p.m. if  
20 need be.

21 [11.50.46]

22 Security personnel are now direct to bring Mr. Khieu Samphan to  
23 his holding cell and have him returned to the courtroom in the  
24 afternoon, before 1.30 p.m.

25 The Court is adjourned.

1       (Court recesses from 1151H to 1333H)

2       MR. PRESIDENT:

3       (No interpretation) – TCW-84, through videoconferencing from  
4       France.

5       Ms. Se Kolvuthy, could you report about the Internet connection  
6       to France?

7       THE GREFFIER:

8       The AV Unit has already established the connection to France, and  
9       the witness is ready to be – to testify.

10      QUESTIONING BY THE PRESIDENT:

11      Thank you.

12      Q. Good afternoon, Mr. Witness.

13      MR. CHAU SOC KON:

14      A. Good afternoon, Mr. President.

15      Q. What is your name?

16      [13.34.46]

17      A. My name is Chau Soc Kon.

18      Q. Thank you, Mr. Chau Soc Kon. How old are you?

19      A. My – I am 67 years old.

20      Q. Where is your current address?

21      A. I'm living in France.

22      Q. What is your occupation?

23      A. I've been retired for more than two years.

24      Q. Can you tell the Chamber your father's name and your mother's  
25      name?

1 A. My father is Chau Kan (phonetic) and my mother's name is Nim  
2 Chun (phonetic), both of them deceased.

3 [13.35.48]

4 Q. Thank you.

5 Mr. Chau Soc Kon, in your capacity as a witness before this  
6 Chamber, you are required to take an oath or to make an  
7 affirmation based on your religion. Do you consent to it?

8 A. Yes, I do.

9 MR. PRESIDENT:

10 The greffier, Se Kolvuthy, could you lead and – to make oath for  
11 the witness?

12 THE GREFFIER:

13 Mr. Witness, please repeat after me: "I solemnly declare that I  
14 will speak the truth, the whole truth, and nothing but the  
15 truth."

16 MR. CHAU SOC KON:

17 "I solemnly declare that I will speak the truth, the whole truth,  
18 and nothing but the truth."

19 [13.37.00]

20 BY MR. PRESIDENT:

21 Thank you, Mr. Chau Soc Kon.

22 Q. As reported by the greffier this morning, to your best  
23 knowledge, you have no relationship by blood or by law to any of  
24 the civil parties in this case, nor to any of the two accused –  
25 that is, Nuon Chea and Khieu Samphan; is this correct?

1 MR. CHAU SOC KON:

2 A. Yes, it is.

3 Q. Thank you.

4 Mr. Chau Soc Kon, as a witness appearing before this Trial  
5 Chamber, you may refuse to respond to any question that can  
6 incriminate you. That is your right against self-incrimination.

7 [13.37.52]

8 As for your obligation as a witness, you must respond to all the  
9 questions put to you by any of the parties or any Judge of the  
10 Bench and you must speak of the truth that you have heard, have  
11 recalled, or have experienced or observed directly of any event  
12 related to the questions that any of the parties or any of the  
13 Judges of the Bench put to you; do you understand that?

14 A. Yes, I do.

15 Q. Thank you.

16 Mr. Chau Soc Kon, have you ever interviewed by Investigators of  
17 the Office of the Co-Investigating Judges?

18 A. No, I haven't.

19 MR. PRESIDENT:

20 Thank you.

21 We would like now to give the floor to Khieu Samphan's defence to  
22 put questions to this witness before any other parties. You have  
23 one hour and fifteen minutes to do so. You may proceed.

24 [13.39.18]

25 MR. KONG SAM ONN:

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

3     Good afternoon, Mr. Chau Soc Kon.

4     MR. CHAU SOC KON:

5     (No interpretation, microphone not activated)

6     MR. KONG SAM ONN:

7     My name is Kong Sam Onn, counsel for Khieu Samphan, and I have  
8     some questions for you. My questions are related to your personal  
9     background and that of Khieu Samphan.

10    Can you hear me clearly?

11    MR. CHAU SOC KON:

12    (No interpretation, microphone not activated)

13    MR. KONG SAM ONN:

14    Mr. Chau Soc Kon, can you hear me?

15    MR. CHAU SOC KON:

16    In fact, maybe you cannot hear me because I already replied to  
17    your question.

18    MR. KONG SAM ONN:

19    Thank you.

20    Mr. Chau Soc Kon, please observe a pause before you respond so  
21    that your voice will go through the interpretation system. Please  
22    observe a pause after the questions. Otherwise, we cannot hear  
23    you in this Court.

24    [13.41.06]

25    MR. CHAU SOC KON:

1      There is no red light on my microphone here, but I observe there  
2      is a red light on yours.

3      QUESTIONING BY MR. KONG SAM ONN:

4      Yes, please, when you see the red light is from my microphone,  
5      you observe a slight pause before you respond. Allow me to put  
6      questions to you.

7      Q. Mr. Chau Soc Kon, can you briefly tell us about your  
8      educational background?

9      MR. CHAU SOC KON:

10     A. I was born in 1946 in Svay Tong district, Moat Chrouk  
11     province. In 1946, the place where I was born, at that time it  
12     was under French colony and my native village was part of the  
13     Vietnamese territory at the time, but later on it changed to Moat  
14     Chrouk.

15     When I was seven years old, I started at the Svay Tong School  
16     within the Svay Tong Pagoda. The French and the Khmer languages  
17     were taught in that school.

18     [13.42.35]

19     When I was eight years old, I came to study in Cambodia. I stayed  
20     with my relatives. And until 1958, I entered – I passed the exam  
21     to study in a college at the pedagogical school. It is still  
22     existing at the moment. It is located near the Independence  
23     Monument, opposite the Langka Pagoda.

24     That was sixth grade at the time. It was a school for training  
25     teachers who, by the end of the study, go and teach at various

1      colleges and schools throughout the country.

2      When I reached second grade in the old system, I went to study at  
3      Sisowath High School. At the time, it was known as Bakdouk  
4      (phonetic). And then I went for a year study in scientific area  
5      and then I got a French scholarship to study in France until I  
6      obtained my master's degree in the practical economics at the  
7      university in Paris. And after that I became a public servant.

8      Q. Thank you.

9      After you completed your study in France, did you return to  
10     Cambodia?

11     A. No, I never returned to Cambodia. The first time I returned  
12     was in December 2002.

13     [13.45.07]

14     Q. Thank you.

15     Regarding your employment, can you tell the Court what kinds of  
16     work you did before you retired?

17     A. I worked at various places depending on the short-term  
18     employment or long-term employment. First – firstly, I worked in  
19     a printing house and then I was the computer operator for making  
20     goods before I retired and I was in that employment for quite a  
21     long time.

22     Q. Thank you.

23     My next question is related to your political view. Can you  
24     please tell the Court about your political view?

25     A. Are you referring to my general political view throughout my

1      life or a certain period of time?

2      [13.46.26]

3      Q. It is your political view since you was at school until the  
4      current time, but this is just a preparatory statement for you  
5      and then I would ask you in - for a specific period of time. And  
6      the question is whether you are willing to tell us about your  
7      political view. Please just say yes or no.

8      A. Yes, I can do that.

9      Q. Thank you. While you were - while you were a student both in  
10     Cambodia and in France, did you join any political activity or  
11     engage in any political tendency?

12     A. While I studied in Cambodia at the pedagogical school, there  
13     was a teacher trainee who was more senior than me and he - that -  
14     that student was of a progressive view. At that time, I was about  
15     12 or 13 or 14 years old and I liked to hear those seniors'  
16     views.

17     They talked about the society situation in Cambodia at the time,  
18     the living condition, etc., and later I left for France. And, of  
19     course, I learned quite a lot from that view from those senior  
20     students, and if you want any details in that, I can elaborate  
21     further.

22     [13.48.45]

23     And while I was in France through obtaining the French  
24     scholarship, which was in September 1967, there was no coup  
25     d'état yet in Cambodia, at the time, because the coup d'état was

1     on the 16 of March led by Lon Nol.

2     And by the time of the coup d'état, a majority of the students  
3     who were about 25 kilometres from Paris in Orsay city, I had some  
4     Khmer students and there were about 30 of them and during that  
5     period of the coup d'état; that is, the 18 March 1970, those  
6     friends of mine who were students and some friends who were in  
7     Paris joined together to declare our support for the FUNK. So, at  
8     that time, we had our political stance firm and we remained in  
9     that stance since.

10    Q. Thank you. You said about the progressive stance.

11    MR. CHAU SOC KON:

12    I cannot hear you.

13    [13.50.29]

14    MR. KONG SAM ONN:

15    Can you hear me?

16    MR. CHAU SOC KON:

17    Yes, I can hear you now.

18    BY MR. KONG SAM ONN:

19    Q. You stated about the progressive view while you were at the  
20    pedagogical school. Can you explain further on this concept?

21    Mr. Chau Soc Kon, did you hear me? He's gone.

22    MR. PRESIDENT:

23    Counsel, please wait. There are some technical problems with the  
24    Internet connection.

25    (Short pause, technical problem)

1 [13.53.17]

2 Counsel, you may continue putting the questions to the witness.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President.

5 Mr. Chau Soc Kon, can you hear me?

6 MR. CHAU SOC KON:

7 Yes.

8 [13.53.31]

9 BY MR. KONG SAM ONN:

10 Q. Before the Internet was disconnected, I was asking you the  
11 questions regarding the progressive view while you had about that  
12 at – at the pedagogical school. Can you elaborate further on this  
13 concept?

14 MR. CHAU SOC KON:

15 A. I was a teenager back then. To me the concept was – means to  
16 have justice in the society between the powerless and the  
17 powerful; that is just a general concept of that view, and that's  
18 how I understood it as a teenager.

19 And those senior students talked about the situations in  
20 Cambodia, at the time, and they were around 25 years old, so much  
21 older than me. They talk about the – the poor, the rich, and the  
22 capitalist, and the businessmen in Cambodia. So the progressive  
23 view or stance was to seek justice and equality for the society.

24 [13.55.00]

25 Q. Thank you.

1     You said just then that you decided to support the Front while  
2     you were a student in France and that was after the coup d'état  
3     to topple Samdech Sihanouk. My question to you is the following:  
4     What reasons that led you to support the Front?

5     Mr. Chau Soc Kon, do you hear me?

6     MR. KONG SAM ONN:

7     Mr. President, I'm afraid the Internet is disconnected again.

8     (Short pause, technical problem)

9     [13.57.29]

10    MR. PRESIDENT:

11    Counsel, you may continue.

12    MR. KONG SAM ONN:

13    Mr. Chau Soc Kon, do you hear me now?

14    MR. CHAU SOC KON:

15    Yes.

16    BY MR. KONG SAM ONN:

17    Q. My last question to you is the reasons that led you to decide  
18    to lend your support to the Front after the coup d'état to topple  
19    Samdech Sihanouk. Can you tell us the reasons of your decision to  
20    support the Front?

21    [13.58.06]

22    MR. CHAU SOC KON:

23    A. At that time, we asked students to support the Front and the  
24    reason was easy to understand. We were of the view that the  
25    toppling of Samdech Sihanouk was illegal. I mean, the coup d'état

1       was illegal, although it was backed by the United States. That  
2       was our primary reason.

3       Secondly, the coup d'état would mean the initiation of war in  
4       Cambodia, and these are the two main reasons.

5       Q. Thank you. Did you know the main leaders within the Front at  
6       the time?

7       A. The Front inside the country was led by Samdech Sihanouk and  
8       there were some other important figures whose names I cannot  
9       recall and they used to be diplomats who also supported the Front  
10      and there were several of them.

11      And in Paris itself there was a creation of an association that  
12      is the United Front Association and the Chairman of the Committee  
13      was Kan (phonetic). I met with him as well.

14      [14.00.12]

15      Q. Thank you. You mentioned about the Front and its movement. To  
16      the best of your knowledge, did you know at that time that there  
17      was some forces inside Cambodia that supported such Front or not?

18      A. After 1970, we received some information through news articles  
19      in French in France. That's part of the information we obtained.  
20      And we also received information from the radio broadcasts of the  
21      FUNK.

22      I don't recollect the exact year that I obtained this  
23      information, but at that time when we were in France, we follow  
24      news from the "Xinhua" press, the Chinese newspaper, about the  
25      resistance movement inside Cambodia, so I learned of this

1     movement through the newspapers; the Xinhua that I just  
2     indicated, and the radio broadcast through the FUNK radio.  
3     [14.01.53]

4     Q. Thank you. I would like to also seek clarification whether you  
5     knew Mr. Khieu Samphan already during that period of time; I  
6     mean, the period of time after 1970.

7     A. Until 1974, I heard of his name, but Khieu Samphan paid a  
8     visit to "Roumanie". And we were in France, led a delegation to  
9     meet him in that place in 1974. I don't remember the month. We  
10    were delighted to meet him because we received information about  
11    the resistance movement in Cambodia that was established and that  
12    was the first time I met him. It was in 1974.

13    Q. Thank you. Can you be more precise where you met him? You said  
14    that Mr. Khieu Samphan went to Romania; did you see him in  
15    Romania?

16    A. We – we met in Bucharest, the capital city of Romania. I just  
17    don't remember the date. He led a delegation – a Cambodian  
18    delegation to visit other countries and Romania was also one of  
19    the place where this delegation stopped to visit and we met in  
20    Bucharest.

21     [14.03.50]

22    Q. Thank you. How many people from your site were meeting Mr.  
23    Khieu Samphan?

24    A. I don't remember the exact amount of people who went from  
25    Paris, but there were about 20 people in total. And I remember

1 the person who led the delegation was Mr. In Sokan and from  
2 Cambodia, we knew that Khieu Samphan was leading the delegation.  
3 And I remember another person by the name of Tun Chot Sirinn, who  
4 was in charge of protocol, and he was also from France to meet  
5 with Mr. Khieu Samphan.

6 Q. Thank you. Can you briefly tell the Chamber, please, now, what  
7 was the topic of discussion when you met with him at that time?

8 A. From France, we would like to know about the resistance  
9 movement inside the country, inside of Cambodia. I don't  
10 recollect the detail of the discussion, but I still remember some  
11 key points.

12 Mr. Khieu Samphan provided some information to us regarding the  
13 aerial bombardments by the Americans in 1973

14 [14.05.27]

15 He talked about the casualties and the destruction as the result  
16 of these bombardments. And he also mentioned about the B-52  
17 aircrafts that dropped these bombs and the bombs did not  
18 discriminate their victims, so the tragedy was huge and he talked  
19 about this tragedy.

20 And secondly, he also reported to us about the resistance  
21 movement, about the progress that had been made; the movement  
22 that was supported by the population.

23 And thirdly, as I remember, Mr. Khieu Samphan also mentioned that  
24 we had to do our best to make sure that the war in Cambodia could  
25 end so quickly; the war with the Americans and Lon Nol must be

1 stopped immediately so that we could rebuild the country now and  
2 into the future. That's what I remember.

3 Q. Thank you. Did he also mention about how to end the war?

4 A. To end the war was to gather all the national forces to  
5 counter the Americans and Lon Nol. That was the main point.

6 [14.07.16]

7 Q. Thank you.

8 Were you aware of the victory by the FUNK on the 15th of April  
9 1975?

10 A. Yes, I was, but everyone was taken by surprise because no one  
11 expected that the victory would be won on the 17th of April 1975  
12 because everyone expected that it would take much longer than  
13 that. But we were happy to see that the victory was won over by  
14 the FUNK and the war was over that soon.

15 Q. Thank you. Upon knowing that the war in Cambodia was over, did  
16 you do something to follow the news about the development in  
17 Cambodia?

18 A. News were – we received was very minimal. There were very  
19 little mentioning of what happened in Cambodia after 1975 on the  
20 news, and I, personally, do not remember having read much about  
21 what happened in Cambodia because there was not – no information  
22 about this.

23 Q. Are you saying that the reason that you do not remember the  
24 event because there was little information back then about what  
25 happened?

1 [14.09.03]

2 A. I am talking about the information I obtained from the  
3 resistance movement. It was – there was some form of information  
4 I received, but I am talking now about the information I obtained  
5 from the newspapers. There was very little that was said about  
6 Cambodia after 1975 in those newspapers and it – it was not much  
7 covered by the media in those days.

8 Q. Thank you. Did you also do your best on your part to see why  
9 there was some kind of missing information about the FUNK and its  
10 victory – after the victory, I mean?

11 A. I think, Counsel, you have to switch off that mic before I  
12 respond. If the mic is still on, I wouldn't answer as you  
13 instructed.

14 I was suspicious, but I understood, at that time, that  
15 immediately after the victory was won in 1975, we knew that these  
16 people had to be bombarded or overwhelmed with a lot of tasks  
17 already that they were too busy to concentrate on rebuilding the  
18 country to communicate with other people in the outside world.

19 [14.10.42]

20 Q. Thank you.

21 I now would like to talk a little about Mr. Khieu Samphan because  
22 as a witness today before us, your main role is to testify on the  
23 character and personal conducts of Mr. Khieu Samphan.

24 My question to you regarding this is that how much do you know  
25 about Mr. Khieu Samphan in terms of his character and conduct?

1     A. I heard about him when I was still at the secondary school. I  
2     heard he returned from France. He was highly educated and he was  
3     a parliamentarian and the Secretary of State for the Ministry of  
4     Commerce.

5     His reputation was known to everyone; not only me, and his  
6     qualification was also well-known. Everyone knew him as a clean  
7     person.

8     [14.11.56]

9     And I learned about him when I was 12 or 13 years old and, on top  
10    of this, when I was still in Phnom Penh during my youth time, I  
11    learned that he was mistreated because the secret police abused  
12    him. And we learned about a congress that was conducted when Mr.  
13    Khieu Samphan was stripped of his impunity and he was removed  
14    from the assembly. And that's what we heard about him through  
15    radio broadcasts and from other people. And from the news, I have  
16    learned a lot about him when time passed by.

17    Q. Thank you. As a person who had an education in economy – and  
18    Mr. Khieu Samphan, himself, also graduated in – his major of  
19    study was in economy – did you study the thesis written by Khieu  
20    Samphan?

21    A. Yes, I did when I was in France. Immediately upon arriving in  
22    France, I read his thesis and I could remember that, in that  
23    thesis, he would like Cambodian children to prosper and he would  
24    like Cambodia's economy to focus mainly on agriculture.

25     [14.13.50]

1     And it is no doubt that during that time Cambodia was not an  
2     industrial country. The country focused more on agriculture than  
3     on other – other services, aspects.

4     And we heard about the middle person, about means of commerce  
5     being mentioned in that dissertation written by Mr. Khieu  
6     Samphan, but that was more than 30 years ago and I don't remember  
7     the detail now.

8     Q. Thank you for your explanation. Can you also explain further  
9     on the political tendency of Mr. Khieu Samphan after you have  
10    read his dissertation?

11    A. At that time, I believed that he was one of the progressive  
12    people. He would like the country to be a clean country, a  
13    country which has justice. And as a person who believes in  
14    democracy, I am not convinced that he would be a communist.

15    Q. Thank you. I have some more questions regarding Mr. Khieu  
16    Samphan's work and jobs. You appear to be testifying that you  
17    have learned something about what he did. My question to you is  
18    now did you follow what Mr. Khieu Samphan did during Sangkum  
19    Reastr Niyum regime?

20    [14.15.51]

21    A. During the Sangkum Reastr Niyum regime, I mentioned a little  
22    bit already that when I was still at high school as a young man,  
23    I liked studying so much. Nonetheless, when I was the teacher at  
24    the Institute – the National Institute of Pedagogy, I also read  
25    something about him. I knew that he ran a newspaper, but I – and

1 I knew that he also ran for the election as a candidate and he  
2 was against corruption. And I heard from other people that during  
3 election campaign he did not have the financial means to start  
4 his campaign, but he was fully supported by cyclo drivers and  
5 other workers.

6 Q. Thank you. After 1970 – after the coup d'état, I mean – did  
7 you have any specific impression regarding Mr. Khieu Samphan's  
8 performance and personality?

9 A. Everyone was surprised, everyone – even people in France were  
10 surprised. We heard rumour that Hu Nim and Khieu Samphan were  
11 plunged into a basin filled with acid. And we thought that these  
12 people could have been dead because we lost information about  
13 them for quite some time. But later on, in about 1973, we saw  
14 them, we saw him receiving then Prince Norodom Sihanouk and his  
15 wife. And we were happy to see him knowing that they were still  
16 alive.

17 [14.18.51]

18 Q. Thank you. What was your impression or sentiment of support  
19 regarding your having seen him back again in 1973?

20 A. It is simple, I was convinced – I trusted him and I trust him.  
21 He was – he's a respectful person, a proper man who is clean. So  
22 these are the key elements of quality in him that we trust and  
23 respect. And during those days, there were very few highly  
24 educated individuals like him who graduated abroad and who  
25 returned to Cambodia to help the country. And there were even few

1      people who - highly educated and concentrated on fighting  
2      corruption, finding social justice so on and so forth like him.

3      Q. Thank you. Did you know what Mr. Khieu Samphan did after 1970?

4      A. So far as I recollect, when I met him in 1974 in - I remember  
5      him being the Minister of Foreign Affair - rather of the National  
6      Defence.

7      [14.20.45]

8      Q. Would you wish to add something else?

9      A. No, not really. But he worked - because he was very popular,  
10     his work was involving diplomacy and the popular masses than the  
11     military matters - affairs. Because I can see that Mr. Khieu  
12     Samphan was educated in France in economy, not in military.

13     Q. Thank you. Did you hear in France whether Mr. Khieu Samphan  
14     ever engaged in the battlefield or leading or commanding  
15     soldiers?

16     A. No, never.

17     Q. Thank you.

18     Now regarding the Democratic Kampuchea, I have a question for you  
19     please. Can you distinguish between the Khmer Rouge and the FUNK?  
20     Were these two institutions different?

21     A. I did not understand the Khmer Rouge term very well. At that  
22     time every progressive person would be regarded as a member of  
23     the Khmer Rouge. However, for the FUNK, FUNK refers to people who  
24     support - who were nationalist, those who would oppose the Lon  
25     Nol regime, those who really would like to support the country

1 free of these Lon Nol people. But I don't - I didn't understand  
2 the term "Angkar".

3 [14.23.07]

4 Q. You talked about Angkar and that you did not understand the  
5 term. What about the term "revolution", what is your  
6 understanding of this term?

7 A. Revolution was mentioned time and again during those days. We  
8 heard about this in France. But please allow me to tell this to  
9 the Chamber, that in May 1968 in France everyone was concerned  
10 about this revolution. But in Cambodia, what I understood about  
11 revolution was to gather forces to free the country as soon as  
12 possible.

13 Q. Thank you.

14 To your memory, what did Mr. Khieu Samphan do in Cambodia after  
15 1975?

16 A. As I already indicated, after 1975 – immediately after 1975,  
17 we lost information about this. But we learned that then Prince  
18 Norodom Sihanouk was no longer in power and that Khieu Samphan  
19 was believed to be someone who was Prince Norodom Sihanouk's  
20 successor as the head of state. It was somewhere in 1976, if I  
21 remember correctly.

22 [14.24.59]

23 Q. Thank you. Do you know why there was such announcement that  
24 Prince Norodom Sihanouk had to resign from his post?

25 A. I was far from home at that time. I just don't know the real

1 motive behind his decision. But I understood at that time that  
2 perhaps Prince Norodom Sihanouk was too tired with politics or  
3 perhaps his health did not allow him to continue his current  
4 position.

5 Q. Thank you. You mentioned about meeting Mr. Khieu Samphan in  
6 1974. Did you meet him on another occasion elsewhere?

7 A. I met with him on three additional occasions. The second  
8 meeting was-

9 Q. Yes, you may proceed.

10 [14.26.13]

11 A. Yes. After 1974 I met him on three occasions. The second  
12 meeting was in 1989. At that time, Mr. Khieu Samphan led a  
13 delegation to negotiate the Paris Peace Accord and the meeting  
14 was very brief, we met him for one hour or one and a half hour;  
15 and that was the second meeting.

16 The third meeting was in December 2002. At that time, another  
17 friend of mine who conducted a Buddhist ceremony to commemorate  
18 the death of his son – and his son's remains was kept at a pagoda  
19 in Pailin, I don't remember the name of that pagoda – when the  
20 ceremony was conducted, Mr. Khieu Samphan attended. And after the  
21 ceremony, we had a meal together and we parted our ways; that was  
22 the third meeting.

23 The fourth encounter was in December 2005 when I came back to  
24 Cambodia to visit my relatives who came from Australia and  
25 elsewhere. And during this time when I was visiting my relatives

1      in Siem Reap, I took the advantage of the opportunity to visit  
2      him in Anlong Veaeng. And I was very happy that I was received by  
3      him; that's the fourth encounter. And if you would like to know  
4      more about this, I am happy to say so.

5      [14.28.23]

6      Q. Thank you.

7      Can you explain to the Chamber the personal conduct or character  
8      of Mr. Khieu Samphan? And please tell the Chamber whether his  
9      then characters and behaviour or personal view were the same or  
10     different from those that you knew of him long ago.

11     A. At that time the Khmer Rouge Tribunal was not yet established,  
12     he was still free to go places. I asked him a question; I asked  
13     him whether he had any problem when he was travelling places? And  
14     then he responded this to me, this response impressed me. He said  
15     he had no problem travelling from one city to another because he  
16     was more like an ordinary Cambodian citizen; he could take a taxi  
17     or bus. And some people who knew him greeted him well. And some  
18     young people who also knew him shared the same public transport  
19     without any problem. So his popularity remained the same.

20     [14.30.07]

21     And I also would like to pinpoint this, that when I met him in  
22     2005 I took a photo of him and when I arrived at Siem Reap, I  
23     asked one of my relatives who was about 70 years old - I showed  
24     him Mr. Khieu Samphan's photo and I asked him this question  
25     whether he knew the person in the picture? And he said "Yes, he

1 was Khieu Samphan and a lot of people still love him." That's the  
2 expression I learned from my relative because that reflects what  
3 I still believe the quality in his popularity. So I can conclude  
4 that his popularity remains unchanged. And now a lot more people  
5 share their sympathy towards - with Mr. Khieu Samphan and they  
6 hope that justice will be served to him.

7 Q. Thank you. Can you also tell the Chamber, did you ever receive  
8 any information or come across any news that Khieu Samphan  
9 practice, exercise violent policy or made a decision either  
10 within the domestic setting or in the political arena?

11 [14.31.48]

12 A. To my understanding, Khieu Samphan is a person of a  
13 non-violent nature. He's been a victim prior to 1970. And even  
14 after the Paris Peace Agreement, we, in Paris, saw him - saw him  
15 that he was attacked and he bled. His life was the life of a  
16 victim. And for that reason he could not be a violent person. And  
17 of course, to me, there is no evidence indicating that he was a  
18 violent person.

19 Q. Thank you. I'd like to ask you regarding a fact that is on the  
20 gathering of intellectuals for their repatriation to Cambodia  
21 after the 17 April 1975, and as you were a former student in  
22 France.

23 Could you tell us your experience or encounter regarding any  
24 propaganda to appeal to students to repatriate back to Cambodia?

25 A. There was confusing news that - regarding whether students

1        were compelled to repatriate or those people who came to work in  
2        France to force students to return. That is untrue. In fact, it  
3        was all the students, including myself; we applied for the  
4        repatriation to Cambodia. And on the form we would fill in our  
5        name, our place of birth, our qualification, our family  
6        background, whether we had a husband or not. In fact I also  
7        applied, but I was not yet interviewed for the repatriation. Of  
8        course we were surprised the country was liberated from Lon Nol  
9        government on the 17 April 1975.

10      [14.34.20]

11      My eldest son was born almost a month later and my wife was –  
12     just delivered the baby. And probably that was the reason that I  
13     was not yet interviewed for the repatriation to Cambodia. And  
14     some of my friends were concerned that they would not be allowed  
15     to repatriate to Cambodia. Of course we had very firm view, we  
16     were the Front supporters and of course we wanted to return to  
17     Cambodia after the liberation. And from 1976, some of my friends  
18     actually repatriated to Cambodia.

19      Q. Thank you. Can you tell us a little bit further regarding your  
20     application to repatriate to Cambodia, where did you lodge your  
21     application?

22      A. In Paris, if I recall it. In fact, before the 1975 liberation,  
23     there was the FUNK. And after the liberation, that committee  
24     changed from FUNK to a new name – that is for the Cambodian  
25     expatriate students in France. So we lodged our applications

1     through this committee and probably the application would go to  
2     the Cambodian embassy in France and then go to Beijing and then  
3     back to Cambodia.

4     [14.36.04]

5     And allow me to repeat that at that time we were not forced to  
6     apply to return, but we, ourselves, willingly lodged our  
7     application.

8     And, in fact, I'd like to touch upon another point: that my wife  
9     was of French nationality.

10    Q. Thank you. Can you tell us who actually made a decision which  
11    applicants would be granted for the repatriation?

12    A. No, I did not know. But it is – my understanding is how many  
13    applicants that they could repatriate at one time. And in my  
14    instance, because my wife had just delivered the baby, the baby,  
15    that's why I was not selected.

16    Q. Thank you.

17    This is my last question: Do you have anything to add regarding  
18    the characters of Mr. Khieu Samphan?

19     [14.37.23]

20    A. It is my understanding that Khieu Samphan – and as I already  
21    stated earlier, is that people – the Cambodian people in Cambodia  
22    should be asked about him, about his character whether he is a  
23    man of a violent nature or not. And if we selectively only ask a  
24    handful of people, then that is unfair to him. Of course in any  
25    country there would be a few extremists and we cannot just rely

1     on a number of these extremists to judge a person.

2     MR. KONG SAM ONN:

3     Thank you very much, Mr. Chau Soc Kon.

4     I have no further questions for him, Mr. President. I conclude my  
5     questioning time.

6     MR. PRESIDENT:

7     Thank you. Is there any question from your international counsel?  
8     If not, we would like now to give the floor to the Prosecution to  
9     put questions to this witness.

10    The Prosecution, please wait a little bit because Judge Lavergne  
11    has certain questions for this witness.

12    You may proceed, Judge Lavergne.

13    [14.38.53]

14    QUESTIONING BY JUDGE LAVERGNE:

15    Yes, thank you, Mr. President. I have a few questions.

16    Q. If I understood what the witness said to you right up until  
17    now, he only met Khieu Samphan four times and he has no element  
18    of information regarding Khieu Samphan and his role during the  
19    period of Democratic Kampuchea. And regarding the period prior to  
20    1974, he only read information about him in the papers or heard  
21    his "elders" speak about Mr. Khieu Samphan. Is this what we must  
22    understand?

23    MR. CHAU SOC KON:

24    A. Good afternoon, Judge. I'd like to add that Mr. Khieu  
25    Samphan's responsibility during the period of 1976 in replacement

1     of Samdech Sihanouk, I knew about that event well.

2     Q. Fine. So I understand that you're telling us that, like many  
3     others, you became aware of the fact that Khieu Samphan was head  
4     of state. But are you aware of the details of his duties and of  
5     his activities during the period of Democratic Kampuchea?

6     [14.41.12]

7     A. May I speak now? In fact, what I observed was that the main  
8     role of Khieu Samphan was of a diplomatic nature, that he would  
9     pay visits to the United Nations Headquarters or to various other  
10    countries in Africa, or to receive diplomatic representatives in  
11    Cambodia. That's how I knew of his roles through my friends who  
12    were in Cambodia.

13    Q. Did you have any contact with your friends in Cambodia or did  
14    you just get information through the international press?

15    A. The information I obtained was from both sources. It was  
16    firstly from the press regarding his activities, although I  
17    cannot recall the details. And secondly, when he made his trips  
18    to Africa, some of my friends would transit through Paris and  
19    then we would speak on the telephone, so then I learned of his  
20    diplomatic activities back then.

21    Q. So these friends you were in contact with, sir, did they give  
22    you information that would allow you to question the political  
23    program implemented by the Khmer Rouge? Did you have any doubts  
24    about their concept of justice and democracy that you referred to  
25    earlier?

1 [14.43.41]

2 A. We did not receive that kind of information.

3 Q. Did you read in the press articles referring possibly to  
4 information or to rumours regarding persecution or massacres  
5 which occurred in Cambodia? For example, did you read any  
6 articles from Father Ponchaud – Father François Ponchaud?

7 A. I did read it and I also participated in the meetings or the  
8 hearings by Father Ponchaud. He spoke about the evacuation of  
9 Phnom Penh residents. And of course I read from the newspapers in  
10 France, and the message was consistent with what was delivered by  
11 Father Ponchaud.

12 Q. When, then, you later met Khieu Samphan, did you ask him  
13 questions about these policies, about the evacuation of Phnom  
14 Penh, about the rumours of massacres?

15 [14.45.40]

16 A. When we met Khieu Samphan in '89 when he went for the meetings  
17 in anticipation of the Paris Peace Agreement, we did not speak in  
18 details regarding this matter. But we spoke about the immediate  
19 evacuation of people in 1976, '77 or '78. And we tried in fact to  
20 understand what happened.

21 Q. And then what did Mr. Khieu Samphan say to you? Did he say  
22 that he disagreed with these policies?

23 A. He did not tell us his clear status, but it seems that he did  
24 not have any role in the decisions of the killing of the people.  
25 He was not in a position to make any decision, this is my

1 understanding.

2 Q. Witness, how can you say that Mr. Khieu Samphan was not in a  
3 position to make such decisions if you had not asked him detailed  
4 questions about such issues?

5 [14.47.37]

6 A. This is my personal understanding. And of course it is the  
7 nature of personality of Mr. Khieu Samphan. To me he had no role  
8 to play in the decision making, because from 1976, we knew about  
9 the Communist Party of Kampuchea and we read information and  
10 books about the CPK, and that in each Communist Party, it was  
11 only the Central Committee or the one in charge of the military  
12 who would be in a decision-making position. As for Khieu Samphan,  
13 he has no role to play; he was not in charge of neither the  
14 police nor the military.

15 Q. And did you ask him if he had attended meetings of the  
16 Standing Committee?

17 A. I never asked him on this matter.

18 Q. Well, now, I would like you to speak to me a little bit about  
19 your activities, your personal activities in Paris in the 1970s  
20 and later.

21 Were you in contact with the GRUNK diplomatic mission in Paris?

22 A. At that time, I personally worked as an active member of the  
23 community, but I was not a member of the GRUNK. Of course we had  
24 our working relationship with the GRUNK, but I was not a member  
25 of the GRUNK. I worked for the community, for the association. As

Extraordinary Chambers in the Courts of Cambodia

Trial Chamber – Trial Day 182

Case No. 002/19-09-2007-ECCC/TC

22/05/2013

80

1 I said, the GRUNK in fact was initially known as the FUNK, but  
2 later on it changed its name.

3 [14.50.33]

4 Q. And then, later, were you a member of what was called the  
5 "Committee of the Patriots of Democratic Kampuchea"?

6 A. Yes, I was still a member of that committee.

7 Q. Were you a member of this committee at the same time as a  
8 certain Mr. Chhet (phonetic) Chhopininto? I apologize for my  
9 pronunciation, but I believe he was the Khmer who was leading  
10 that committee in Paris?

11 A. I do not know which person you refer to, or the phonetic sound  
12 is unfamiliar to me. It was Mr. In Sokan who was the chairman of  
13 the committee with some senior people. And later on Mr. Nghet  
14 Chhopilin (phonetic) became the member of that association after  
15 the senior people repatriated to Cambodia.

16 [14.52.06]

17 Q. Do you remember a lawsuit against the French magazine by the  
18 name of "L'Express" in the 1980s following articles making  
19 accusations against a certain number of Cambodians living in  
20 France?

21 A. Yes, I know about this lawsuit very well because I actually  
22 attended the hearing of that case. "L'Express", in fact, accused  
23 Mr. Nghet Chhim Proleungcho (phonetic) because of the alleged  
24 wrongful report, but then the court found that this person, Mr.  
25 Nghet Chhopininto, actually won the case against the "L'Express".

1     Q. Well, in fact, this person was criticized by the "L'Express"  
2     for having written reports on Cambodians who wished to return to  
3     Democratic Kampuchea. Can you tell us what the role was of this  
4     patriot's committee? Were – was this committee in charge of  
5     bringing together the administrative documents to send them to  
6     the authorities of Democratic Kampuchea before they could return  
7     to Democratic Kampuchea?

8     [14.54.11]

9     A. As I stated earlier, Mr. Nghet Chhopininto was the only  
10    recipient of the applications lodged by students who would wish  
11    to repatriate to Cambodia. And I, myself, actually lodged the  
12    application as well. And it is my understanding it is him who  
13    would transmit the application to Democratic Kampuchea regime.

14    Your Honours, you may continue with your question.

15    Q. Did these documents also contain autobiographies requested  
16    from people wanting to return? And were they possibly other  
17    written reports that were also sent to the Democratic Kampuchea  
18    authorities?

19    A. As I stated early, I, myself, also lodged the application. The  
20    details of the application was about my personal biography, my  
21    name, place of birth, the number of children I have and my wife's  
22    name and there was no other requirements. For that reason, the  
23    "L'Express", who accused Nghet Chhopininto of this allegation –  
24    and it was unfounded, and Mr. Nghet Chhopininto won the case.

25     [14.56.03]

1     Q. Witness, were you able to check the information that was sent  
2     to Democratic Kampuchea?

3     A. No, I had no role to do that.

4     Q. Do you know, Witness, when the last candidates for  
5     repatriation left for Democratic Kampuchea?

6     A. No, I cannot recall that and I didn't know that. I sometimes,  
7     yes, accompanied my friends to the airport but I did not do that  
8     all the time, so I could not know the last trip for the  
9     repatriation.

10    Q. Did you get any news from your friends who left for Democratic  
11    Kampuchea? Did you have any doubts about how they were received  
12    when they arrived back in Democratic Kampuchea?

13    A. We, in France, did not receive that kind of information. And  
14    as I said, after 1976, there was no news coming from Cambodia. We  
15    were waiting for the news but we received nothing.

16    Q. And afterwards, in the 1980s, did you get any kind of news  
17    from your friends? Did you know if some of them had experienced a  
18    place called S-21?

19    [14.58.35]

20    A. After the invasion by the Vietnamese troops in January 1979,  
21    some of my colleagues who left France fled from the attack by the  
22    Vietnamese troops and later on they returned to France. And they  
23    spoke about the former students who repatriated to Cambodia, some  
24    disappeared and later some returned. But immediately after that  
25    nobody talked or knew about S-21.

1 Q. And since then, Mr. Witness, have you heard about S-21, Boeng  
2 Trabek or other detention centres?

3 A. I heard that some of the detainees were placed at Boeng Trabek  
4 and I heard about S-21 through newspaper articles, but my friends  
5 did not know anything about this.

6 Q. And did you ask Mr. Khieu Samphan any questions on those  
7 matters?

8 I've not heard a response. Is there a technical issue or - Mr.  
9 Witness, are you able to hear me? Were you able to capture my  
10 last question?

11 MR. PRESIDENT:

12 We have Internet problem again, please hold on.

13 (Short pause, technical problem)

14 [15.03.22]

15 Judge Lavergne, you may now proceed.

16 JUDGE LAVERGNE:

17 Very well, thank you, Mr. President.

18 Mr. Witness, are you able to hear me? Mr. Witness, are you able  
19 to hear me?

20 (Short pause)

21 MR. CHAU SOC KON:

22 (No interpretation, inaudible for the interpreter)

23 MR. PRESIDENT:

24 It is now appropriate moment already for the adjournment. The  
25 Chamber will adjourn for 20 minutes. The next session will be

1 resumed by 30 past 3.00.

2 Mr. Witness, we may now adjourn. And if you cannot hear us, we  
3 believe that the greffier of the Trial Chamber will communicate  
4 this message to you.

5 (Court recesses from 1506H to 1532H)

6 MR. PRESIDENT:

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

8 Once again, the floor is given to Judge Lavergne to continue  
9 putting questions to this witness. You may proceed.

10 JUDGE LAVERGNE:

11 Thank you, Mr. President.

12 Witness, can you hear me?

13 MR. CHAU SOC KON:

14 Yes, I can here you now, Judge.

15 BY JUDGE LAVERGNE:

16 Q. Well, I have three last questions to ask you.

17 The first one regards the reasons that made you want to return to  
18 Democratic Kampuchea. What were these reasons, in 1975?

19 MR. CHAU SOC KON:

20 A. My reason was like the reasons of all my other colleagues,  
21 because the war ended in our country after the 17 April 1975. We  
22 applauded and the students who completed their study wanted to  
23 return to the country to help in its rebuilding.

24 [15.34.15]

25 Secondly, those students who had come for several years, studying

1     in France, wanted to return to find and unite with their family  
2     members, and I was in the same position. However, as I stated  
3     from the beginning, I lodged my application but I was not called  
4     for the interview because my eldest son was born in May 1975,  
5     which was less than one month after the liberation.

6     Q. So, therefore, you had full trust in the authorities of  
7     Democratic Kampuchea. You felt that they would receive Cambodians  
8     in a benevolent way?

9     A. Yes, that is correct, Your Honour.

10    Q. And one of the – wasn't your trust based on the fact that  
11    Khieu Samphan had a prominent role among the leaders of  
12    Democratic Kampuchea?

13    A. Mr. Khieu Samphan's role at the time – as I knew it, he was  
14    the President of the State Presidium, and of course, if he could  
15    live in the country, I could also live in the country, and that's  
16    where I placed my trust. And my colleagues who returned to  
17    Cambodia, they were in several numbers.

18    [15.36.41]

19    Q. And, Witness, I have another question for you. Maybe you  
20    already answered this question, I'm not sure of it, maybe I  
21    didn't understand your answer correctly, but I'll put it to you  
22    again.

23    Well, among the members of your family, did you know a certain  
24    Mr. Chau Seng?

25    A. I know Chau Seng, but I am not related to him. Mr. Chau Seng

1 and I came from the same place - that is my place of birth, Svay  
2 Tong, and I met him in France before his returning to Cambodia.  
3 But, at that time, he was not a Paris resident, he stayed in  
4 another city.

5 Q. Was Mr. Chau Seng a friend of Mr. Khieu Samphan?

6 A. I do not know the level of their friendship, because he was  
7 quite much older than me, and I came to France in 1967 at a time  
8 when I was still pretty young, and after the coup d'état, Mr.  
9 Chau Seng participated in the FUNK, but I did not know the level  
10 of their relationship.

11 [15.38.28]

12 Q. So you don't know if they studied together in Montpellier, or  
13 if they joined the same leftist movements, or if they met when  
14 they were in the government during Sihanouk's regime?

15 A. When he studied at Montpellier, I was still young and I did  
16 not know whether they knew each other well, but I only met him,  
17 actually, at the Front just - that is prior to the liberation of  
18 the 17 April 1975. I met him in Paris, but it was not frequent.

19 And of course, I knew that Mr. Chau Seng was a progressive  
20 person, and I knew that since I was a teenager back in Cambodia.

21 Q. And do you know where Chau Seng died?

22 A. No, I don't, Your Honour.

23 JUDGE LAVERGNE:

24 Well, I don't know if this is permissible, but I believe that  
25 Chau Seng was - died at S-21.

1     Mr. President, I have no further questions to put to the witness,  
2     and I would like to thank him for his cooperation.

3     [15.40.19]

4     MR. PRESIDENT:

5     Thank you, Judge.

6     The floor is now given to the Prosecution to put questions to  
7     this witness. You may proceed.

8     MR. RAYNOR:

9     Good afternoon, Mr. Chau Soc Kon. My name is Keith Raynor, and I  
10    am one of the prosecutors in this case. Can I check, please,  
11    first of all, that you can hear me?

12    MR. CHAU SOC KON:

13    Good afternoon, Mr. Prosecutor. Yes, I can hear you clearly.

14     [15.41.10]

15    QUESTIONING BY MR. RAYNOR:

16    Q. I'd like to start, please, by asking you some questions about  
17    crimes of violence.

18    Do you consider that if a person is arrested and executed, that  
19    constitutes a crime of violence?

20    MR. CHAU SOC KON:

21    A. It is my personal understanding, and this is not related to  
22    any event, any criminal needs to be put on trial.

23    Q. Do you consider executing somebody to be a crime of violence,  
24    yes or no?

25    A. An execution of someone without a trial is not appropriate.

1     This is my understanding.

2     Q. What information did you receive from 1975 to 1979 about  
3     arrests and executions in Democratic Kampuchea?

4     [15.43.02]

5     A. During the regime - that is from 1975 to 1979 - we did not  
6     receive any news from Democratic Kampuchea. We only learned of  
7     the news minimally from the press and only later we learned of  
8     the conflict of Democratic Kampuchea and Vietnam. But I did not  
9     receive any first-hand news from Cambodia during that period.

10    Q. Mr. Chau Soc Kon, documents on our case file including - I'm  
11    going to give the numbers for counsel - D313/1.2.3.74, E3/1243,  
12    E3/984. These documents collectively, Mr. Chau Soc Kon, show that  
13    the Committee of Patriots in Paris published or broadcast the  
14    following material: The Democratic Kampuchea Constitution,  
15    firstly; secondly, Phnom Penh Radio Broadcasts; Thirdly, speeches  
16    by Pol Pot; fourthly, speeches by Ieng Sary; fifthly, a speech by  
17    Khieu Samphan given in Colombo in 1976; next, the third  
18    anniversary speech by Khieu Samphan; next, material in March 1977  
19    through "Nouvelles du Cambodge", and also a monthly pictorial  
20    magazine.

21    Is it your evidence that during your time in Paris, with the  
22    connections that you had with the Committee of Patriots, that you  
23    did not see any of the material I have just gone through?

24     [15.45.20]

25    A. I did not - I do not have the documents that you just referred

1 to in front of me now. However, I can say based on my  
2 recollection, the documents broadcast on the radio were dependant  
3 on whether we would receive it or not. If we receive a document,  
4 then we would copy those documents for the distribution, but I  
5 cannot recall the specific documents that you just referred to.

6 Q. So I understand your evidence correctly, are you saying that  
7 certain documents were published by the Committee of Patriots in  
8 Paris, given to you, you then copied them and distributed them  
9 further?

10 A. Yes. I can say that I copied them and distributed them, but I  
11 cannot recall the exact documents that I distributed at the time,  
12 nor any document of that nature in front of me at the moment.  
13 It's been almost 40 years so I cannot recall all those documents,  
14 and we do not have these kinds of documents with me now.

15 [15.47.06]

16 Q. Did you go once or more than once to pick up documents, and  
17 can you remember where you went when you picked up the documents?

18 A. Personally, I did not go to pick up the document. It was the  
19 Cambodian Embassy in Beijing who sent the documents via post to  
20 the address of the association. This is my recollection of the  
21 event.

22 Q. So was your only involvement to copy these documents or did  
23 you have any other connection with the Committee of Patriots?

24 A. I was a member of the association, an active member actually.  
25 So the distribution was not part of the broadcast. In fact, the

1 broadcast would be a complete coverage of the document, and  
2 whoever read the document, and whatever they thought of the  
3 document was after the views of the readers.

4 [15.48.45]

5 Q. At that time, how interested were you in obtaining up to date  
6 information from your homeland?

7 A. Of course, the news that we received was not up to date news.  
8 It's not as efficient as it is currently because, at that time,  
9 the delivery was through the post office, so it took some time  
10 before the news reached us.

11 Q. All right. Take a pause please, Mr. Chau Soc Kon, and think  
12 about my next question.

13 Please describe exactly what your contact was with the Committee  
14 of Patriots.

15 A. Mr. Prosecutor, I just spoke about that. Maybe you did not  
16 hear it. Let me repeat. I was a member of that committee or  
17 association. But, in fact, it is an association is not a  
18 political committee based on the European structure, it was  
19 indeed an association.

20 Q. You've mentioned a visit to Romania in 1974; document number  
21 E3/3315, being a U.S. State Department document shows that that  
22 visit had concluded by the 2nd of May 1974. In March 1974, events  
23 happened in Udong.

24 [15.51.12]

25 Are you aware of a broadcast or information coming from Khieu

1     Samphan on the 5th of April 1974 when he stated this - and I  
2     refer for these purposes to E3/167 - I quote:  
3     "On the 18th of March, our People's National Liberation Armed  
4     Forces liberated another city, Udong, by annihilating all the  
5     puppet soldiers there along with their reinforcements; in other  
6     words over 5,000 enemies were eliminated, 1,500 of whom were  
7     captured." Close quote.

8     Did that information ever come to you?

9     A. Allow me to say that I do not have the document that you just  
10    referred to in front of me; and secondly, during the time that I  
11    met with Khieu Samphan it was brief, and Khieu Samphan never give  
12    us detailed information. This is my recollection of the event and  
13    I cannot recall anything related to the event occurring in Udong.

14    [15.52.54]

15    Q. So we're as clear as you can be given the lapse of time, is it  
16    your evidence that to the best of your recollection, Khieu  
17    Samphan never mentioned to you in Romania, annihilating enemies?

18    A. It is my recollection that he spoke about the general  
19    situation but not any specific situation, such as Udong. I cannot  
20    even recall the word "Udong".

21    Q. Thank you. Do I understand your evidence correctly that based  
22    on your knowledge of Khieu Samphan, he made no contribution from  
23    1975 to 1979; for instance, on the policy of arresting and  
24    executing people?

25    A. When I came to tell the Court is the best of my understanding

*Extraordinary Chambers in the Courts of Cambodia*

*Trial Chamber – Trial Day 182*

*Case No. 002/19-09-2007-ECCC/TC*

*22/05/2013*

92

1     that between 1975 to 1979, arrests were not a part of the  
2     responsibility of the President of the State Presidium. For that  
3     reason, he was not connected to these kinds of events and he  
4     would not have the authority to do so. This is my understanding.

5     [15.54.50]

6     Q. Mr. Chau Soc Kon, do you know that Khieu Samphan has admitted  
7     to the Investigating Judges in this case that he, together with  
8     Doeun, were the only two members of an office called Office 870.  
9     Do you know anything about this?

10    A. No, I don't, Mr. Prosecutor.

11    Q. Do you know that Khieu Samphan has stated to the Office of the  
12    Co-Investigating Judges that one of the functions of Office 870  
13    was to monitor suspected members of the Party on behalf of the  
14    Standing Committee?

15    A. No, I don't.

16    Q. Did you know that the chairman of Office 870 had the duty to  
17    keep track of the implementation of Standing Committee's policy  
18    decisions?

19    A. No, I don't.

20    [15.56.16]

21    Q. Do you know that Office 870 was one of the offices given  
22    authority to make decisions on smashing people within and outside  
23    the ranks of the Communist Party of Kampuchea?

24    A. No, I don't, Mr. Prosecutor.

25    Q. Do you know that in a Voice of America interview, E3/630,

1 Khieu Samphan told the interviewer that he worked in Office 870?

2 A. I do not know about this information because I rarely listened  
3 to the VOA broadcast.

4 Q. Do you know that in this interview Khieu Samphan said,  
5 describing Office 870, that this was -quote - "my office" - close  
6 quotes?

7 A. No, I do not know that.

8 Q. Did you know that in this document, Mr. Khieu Samphan gave  
9 information about Doeun being arrested?

10 A. No, I don't.

11 [15.57.49]

12 Q. Do you know that in an interview between Ieng Sary and a  
13 professional called Stephen Heder, on the 4th of January 1999 -  
14 that Ieng Sary confirmed that Khieu Samphan was appointed to the  
15 chairmanship of Office 870?

16 A. No, I don't, Mr. Prosecutor.

17 Q. Do you have any knowledge of Khieu Samphan working directly  
18 with Pol Pot to ensure the proper implementation of decisions?

19 A. Regarding the working relationship between Pol Pot and Khieu  
20 Samphan, it was beyond my knowledge because I was in - I was  
21 overseas.

22 Q. Are you aware that Khieu Samphan has told the investigating  
23 Judge in this case that he did not learn of any single arrest  
24 before 1979?

25 A. No, I don't. How should I know because he spoke to the

1      Co-Investigating Judges, not to me?

2      [15.59.29]

3      Q. Did Khieu Samphan ever say anything to you about his knowledge  
4      of arrests?

5      A. No, he didn't. He didn't talk to me about the arrests in Paris  
6      when I met him, because he was there to prepare for the Paris  
7      Peace Accord and he did not mention about any arrests.

8      Q. Have the defence team or any others ever shown you a document  
9      from the Standing Committee of the 8th of March 1976, showing  
10     that Khieu Samphan attended a Standing Committee meeting when  
11     arrests were mentioned?

12     A. No, I have had no contact with the defence counsel regarding  
13     this Khmer Rouge Tribunal or relevant documents at all.

14     Q. Are you aware that Khieu Samphan has told the Investigating  
15     Judges that he was aware of disappearances of members of the  
16     Central Committee and the Standing Committee?

17     A. Whatever Khieu Samphan mentioned to the co-investigators is  
18     not known to me.

19     [16.01.27]

20     Q. Do you have any explanation for the fact that of 16 former  
21     GRUNK and FUNK colleagues of Khieu Samphan, nine were executed  
22     during the DK period?

23     A. I only knew about the execution at a very later date. It is  
24     after the 1979 when I heard about this news on newspapers. Early  
25     on, this piece of information would never be communicated to us

1 and there was no news about this.

2 Q. Do you know anything about Khieu Samphan being a note-taker at  
3 secret meetings of the Standing Committee?

4 A. No, I don't.

5 Q. Do you know anything-

6 I'm pausing because I see one of my learned friends is on his  
7 feet.

8 MR. PRESIDENT:

9 National Counsel for Mr. Khieu Samphan, you may now proceed.

10 [16.03.01]

11 MR. KONG SAM ONN:

12 Thank you, Mr. President.

13 We have noted that Mr. Co-Prosecutor has referred in his  
14 questions to some documents, but he has failed to refer to the  
15 documents, and when he mentioned that Mr. Khieu Samphan was a  
16 minute taker, or note-taker in a meeting of the Standing  
17 Committee, he has also failed to refer to that precise document  
18 in putting such questions.

19 So my humble request is that, Mr. President, the Co-Prosecutor  
20 should be guided to refer to the document before putting the  
21 question.

22 BY MR. RAYNOR:

23 Mr. President, it's an entirely valid objection, and I apologize  
24 to my learned friend.

25 The last detail was extracted from Stephen Heder's book, "Seven

1 Candidates", E3/48. The English ERN is 00393581; French,  
2 00729659; and Khmer, 00742617. The footnote in that refers to an  
3 article by Nate Thayer, called "Death in Detail", and it relates  
4 to information that came from Duch.

5 [16.04.30]

6 Q. Mr. Chau Soc Kon, am I right in saying that you have  
7 absolutely no knowledge whatsoever of what contact Khieu Samphan  
8 had with King Sihanouk during the period 1975 to 1979?

9 MR. CHAU SOC KON:

10 A. Khieu Samphan's relationship with King Norodom Sihanouk was in  
11 place, but to what extent I don't know. At that time I knew that  
12 Prince Norodom Sihanouk was very close to Mr. Khieu Samphan.

13 Q. Do I take it right that you have absolutely no knowledge about  
14 meetings of the Standing Committee and how often Khieu Samphan  
15 attended such meetings?

16 A. Yes, you do.

17 [16.05.55]

18 Q. Now, you spoke in part about what was happening with FUNK and  
19 GRUNK after the 17th of April 1975. What if anything did you know  
20 about a new Constitution for Democratic Kampuchea and who had  
21 written it; if anything?

22 A. I understand your question, but who wrote the Constitution, I  
23 don't know.

24 Q. Did you see a copy of the Constitution when you were in Paris  
25 or any other date when you were in France between 1975 onwards?

1 A. No, I didn't. Personally, I didn't.

2 Q. Did you ever hear anything about elections taking place in  
3 Cambodia? Sorry, I should have said after - well, in early 1976?

4 A. No, I didn't. I did not know clearly about this, and as I  
5 already said, that during this period of time, no news would be  
6 heard among us.

7 [16.07.56]

8 Q. Did you ever hear anything about a connection between Khieu  
9 Samphan and reading out confessions in Cambodia?

10 A. I have no idea about this.

11 Q. Do you remember listening to, at any stage, broadcasts made by  
12 Khieu Samphan in 1976, talking about maintaining a spirit of  
13 revolutionary vigilance? And can I indicate to my learned friends  
14 that that is based on "Seven Candidates", English ERN 00393584;  
15 French, 00729661; Khmer, 007426203 through to 21. So can I just  
16 repeat the question again: your awareness of speeches by Khieu  
17 Samphan in 1976, talking about maintaining a spirit of  
18 revolutionary vigilance against their enemies?

19 MR. PRESIDENT:

20 Mr. Co-Prosecutor, you may be seated now because we have Internet  
21 connection problem.

22 (Short pause, technical problem)

23 [16.12.45]

24 Mr. Co-Prosecutor, you may now continue. It would be good if you  
25 can repeat your question again, because it was not properly

1       conveyed to the witness.

2       BY MR. RAYNOR:

3       Q. Mr. Chau Soc Kon, I'm going to repeat my last question. Did  
4       you ever listen to a first anniversary speech in April 1976 when  
5       Khieu Samphan spoke about people having to maintain a spirit of  
6       revolutionary vigilance against their enemies?

7       MR. CHAU SOC KON:

8       A. No, I didn't at that time.

9       Q. Did you ever listen to, when you were in France, a second  
10      anniversary speech by Khieu Samphan when he spoke of these  
11      issues: firstly, suppressing all categories of enemies; secondly,  
12      wiping out the enemy; thirdly, doing it neatly and thoroughly;  
13      and fourthly, continuing to fight and suppress all stripes of  
14      enemy at all times?

15      A. No, I didn't.

16      [16.14.43]

17      Q. Did you ever listen to a third anniversary speech which was  
18      broadcast by the Committee of Patriots in Paris, in - Samphan  
19      spoke of these issues? I refer for my learned friends'  
20      note-taking to E3/1389. Firstly, exterminating resolutely all  
21      agents of the Vietnamese; secondly, exterminating resolutely all  
22      CIA agents; and thirdly, exterminating the enemies of all  
23      stripes.

24      A. You mentioned about meeting in Paris. To respond to your  
25      question, I didn't hear anything about this because I did not

1      always attend any meetings at this committee in Paris.

2      Q. How many meetings did you attend of this committee in Paris,  
3      approximately?

4      A. I do not take note of the frequency, but there were on several  
5      occasions that I attended the meetings.

6      [16.16.47]

7      Q. When you attended such meetings, were people ever talking  
8      about deaths in Cambodia?

9      A. As I already indicated, we did not know anything about this  
10     during the period of 1975 and 1979.

11     Q. I want to be clear, Mr. Soc Kon Chau, is it your evidence to  
12     this Tribunal that in the whole of the period from 1975 to 1979  
13     when you were in Paris, you never heard anybody that you had any  
14     connection with ever speak about death through starvation in  
15     Kampuchea?

16     A. It is correct. I never heard anyone mention anything about  
17     this.

18     Q. Did you ever hear about false accusations being made against  
19     people?

20     A. No, I didn't.

21     [16.18.29]

22     Q. By 1979, relying on the information you had, how many people  
23     did you think had died in Kampuchea from 1975 to 1979?

24     A. No, I didn't know about this, because we did not receive any  
25     pieces of information from within Cambodia regarding this. Some

100

1     newspapers may make mention about this, but I cannot, or I am not  
2     in a position to say exactly, or to tell you whether their  
3     judgement was right.

4     Q. Prior to the liberation of Phnom Penh on the 17th of April  
5     1975, did you listen to any broadcasts speaking about killing the  
6     "seven traitors"?

7     A. No, I didn't.

8     Q. I want to seek, as Judge Lavergne has done – to try and  
9     summarize your evidence.

10    [16.20.03]

11    Is it fair that you never worked with Khieu Samphan?

12    A. Yes, it is. I never worked directly with him.

13    Q. You never lived in Cambodia from the 1960s onwards; is that  
14    correct?

15    A. Yes, it is. I never lived in Cambodia since 1967. But I did  
16    pay a visit to my country on some occasions and, as I told you, I  
17    went to Cambodia in 2002, and 2005, when I met Mr. Khieu Samphan  
18    in Pailin and in Anlong Veaeng. So, all in all, I can say that I  
19    never remained in Cambodia during this period of time.

20    Q. You were in Paris. You were a member of the Cambodian  
21    community. You sometimes attended meetings of the Committee of  
22    Patriots. Tell me, how interested were you in what was going on  
23    in your country? Weren't you desperate to get as much information  
24    as you could?

25    A. I think if we go back to this period of time, at that time

1       there was no – not enough information for us to analyze. And when  
2       it comes to the evacuation of the population, we had to analyze  
3       based on very limited information we obtained.

4       [16.22.39]

5       Q. Final question from me is this: What was the most important  
6       document that you read in France about what was going on in  
7       Kampuchea?

8       A. There were not plentiful of important documents that I read,  
9       and I find it difficult to respond to your question. Because, at  
10      that time, we based our analysis reading of the situation on the  
11      very limited source of information. So, with that, I can say I  
12      don't know how important that piece of information was, because  
13      we didn't have enough information.

14      Q. Just one other question. Is it fair for me to summarize – you  
15      tell me if I'm wrong. Is it fair for me to summarize that your  
16      evidence about the character of Khieu Samphan is based on limited  
17      information?

18      [16.24.01]

19      A. No. When it comes to this information about Khieu Samphan, I  
20      think I have gathered ample sources of information over a period  
21      of time, because he has been always a person who earns my  
22      respect, who earns my interest to know about him, but this piece  
23      of information did not – or were not channelled to me in 1975  
24      through 1979, but over a period of time I gathered more  
25      information about him.

1 MR. RAYNOR:

2 Thank you, Mr. Chau Soc Kon. That ends the questions from the  
3 Prosecution. And I'd like to hand over please to my colleagues,  
4 the Lead Co-Lawyers for the civil parties. Thank you very much  
5 for answering my questions.

6 MR. PRESIDENT:

7 Thank you.

8 Now we would like to hand over to the Lead Co-Lawyers for the  
9 civil parties.

10 [16.25.25]

11 MR. PICH ANG:

12 Good afternoon, Mr. President and Your Honours. Counsels Lor  
13 Chunthy and Pascal Auboin will be putting the questions.

14 MR. PRESIDENT:

15 You may proceed, Counsels.

16 MR. LOR CHUNTHY:

17 Good afternoon, Mr. President and Your Honours. Good afternoon,  
18 everyone in this courtroom, and everyone outside of this  
19 courtroom, and those who follow the proceedings through the  
20 Internet connection.

21 I am Lor Chunthy, counsel for the civil parties. I am a lawyer  
22 for – from Legal Aid of Cambodia organization. I have a few  
23 questions for you. And good morning to you, Mr. Chau Soc Kon.

24 MR. CHAU SOC KON:

25 Good morning, Mr. Lor Chunthy.

1 [16.26.38]

2 QUESTIONING BY MR. LOR CHUNTHY:

3 Q. First, my question is: You said you were born in Kampuchea  
4 Krom and you went to Sisowath High School and you educated in  
5 Paris. Do you know a person by the name of Chau Sau who was born  
6 in Kampuchea Krom or are you related to him?

7 MR. CHAU SOC KON:

8 A. I know Mr. Chau Sau very well because his wife is related to  
9 my father.

10 Q. Do you know where he is now?

11 A. I have lost information about him and his family. Perhaps he  
12 and his wife have died. I heard that they died; I just don't know  
13 where they died or evacuated to.

14 [16.28.00]

15 Q. Did you know what Mr. Chau Sau did and where?

16 A. He worked at a bank. He was the president of a national credit  
17 institution.

18 Q. I have some follow-up questions. The Co-Prosecutor asked you  
19 questions concerning your analysis regarding the evacuation of  
20 the people from Phnom Penh. Are you able to tell the Chamber how  
21 enthusiastic you engaged in discussion about this in France?

22 A. When it comes to evacuation, we learned very little about  
23 this.

24 And I also obtained some information from other individuals who  
25 shared the same view; they said - and we agreed - that we support

1 the FUNK. And that later on the city was liberated, country was  
2 liberated, then, the population was evacuated.

3 [16.29.28]

4 Our analysis was that in 1975 when the war was still on and the –  
5 the population of Phnom Penh was small, but during the time when  
6 the American dropped bombs on the border area and other  
7 battlefields, Cambodian people, who were terrified by these  
8 bombings, had to take refuge in the capital city of Cambodia, so  
9 the number of people increased to several millions. And food  
10 would be shipped from Prey Nokor by ships or airplanes. So I can  
11 say that there was no other option than evacuating the population  
12 of Phnom Penh into the rural area because if bombs were to be  
13 dropped in the city, no people could have died other than the  
14 civilians because Phnom Penh was too overcrowded and that these  
15 people had to be returned to where they were from originally.

16 And also we believed that the evacuation was temporary because we  
17 were convinced also that if the situation was maintained, if the  
18 – the situation was under control, at a later date, then, these  
19 people would then be allowed to return.

20 [16.31.28]

21 Q. Thank you, Mr. Chau Soc Kon. You raised a few points in your  
22 response and my question is that of course later on you knew that  
23 there were hardship facing the people who evacuated and some  
24 died. What is your opinion on that?

25 A. Regarding the death of the people, it's a pity that the people

1 died. I was sad of the news they died of sickness or they died  
2 along the - the way out, but the question that you need to  
3 consider is if they were not to be - they were not evacuated,  
4 what would happen to them, for example, in term of food supply.  
5 And I'd like to open a bracket here that we have had issues with  
6 Vietnam not only after 1979, but it was prior - much longer prior  
7 to that.

8 Q. Thank you, Mr. Chau Soc Kon, regarding your rather lengthy  
9 statement, but what I really want to hear from you besides your  
10 sorrow for the deaths of the people and that you said that there  
11 were no other alternatives regarding this matter. The only - the  
12 question to you is that - was this a common practice elsewhere by  
13 the revolution throughout the world?

14 [16.33.20]

15 A. It is a country (unintelligible). And, of course, I am not a  
16 leading politician and know everything for all the country; I  
17 only touch upon the issue of what happened in Cambodia and what  
18 was the best option at the time. And as I just stated, the issue  
19 is to evacuate or not to evacuate.

20 Q. Thank you.

21 Now, I go back to the previous question that I asked you  
22 regarding Chau Sau. Do you know of the relationship between Khieu  
23 Samphan and Chau Sau?

24 A. I do not know of their relationship. I went to visit him at  
25 his house in Tuol Kork only for a short period of time. Sometimes

1 I met him, sometimes I did not and I only met his mother-in-law.

2 Q. Did you know – did you know of his educational background?

3 A. He – in fact, he studied in France and then he returned, and  
4 he then got married with his wife. His wife was a distant  
5 relative of my father and I went to visit him at his house as I  
6 just stated.

7 [16.35.09]

8 Q. Thank you. Regarding the statement that you just made – that  
9 you made, and knew about Khieu Samphan since you was a teenager  
10 and you also said that you knew quite a lot because you knew  
11 about him since 1967 to 2013.

12 You were asked several questions by the Prosecution and in  
13 addition, I'd like to ask you this question. During the  
14 Democratic Kampuchea, did you receive any sensitive news that  
15 would make you feel regret?

16 A. I did not receive any news, but it is my understanding that I  
17 regret for what happened during Democratic Kampuchea because they  
18 did not have the opportunity to rebuild the country due to the  
19 war situation and the war started since late 1977 and that what I  
20 regret.

21 The prosecutor asked me that he – Mr. Khieu Samphan talk about  
22 this, about that to this judge or to that person. I did not know  
23 because he did not talk to me about that.

24 [16.36.50]

25 Q. Mr. Chau Soc Kon, you acknowledged the past activities of

1     Khieu Samphan and the question is: His position - his previous  
2     position and his position that you met him last, what did you  
3     observe; was there any change?

4     A. It is my opinion that his true stance remains unchanged. His  
5     patriotic stance remains unchanged to me when I met him last time  
6     – that is, in 2005.

7     And let me repeat, this is my personal opinion. I am of the view  
8     – and here I'm only referring to him, I'm of the view that he is  
9     a person of rare quality.

10    And I am a witness before this Court is to contribute to the fact  
11    findings of this Court because this Court is trying to ascertain  
12    the truth. And, of course, I myself want to find justice for Mr.  
13    Khieu Samphan.

14    Q. Thank you.

15    I have another question, Mr. Chau Soc Kon. In the past, Mr. Khieu  
16    Samphan joined the Resistance for justice; but after he was in  
17    power, did he provide justice to the people?

18    [16.38.39]

19    MR. PRESIDENT:

20    Mr. Witness, please observe some pause. There is an objection  
21    from the counsel for Mr. Khieu Samphan.

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

23    MR. KONG SAM ONN:

24    Thank you, Mr. President.

25    I'd like Your Honour to direct the assigned lawyer to be specific

108

1   when he spoke that when Mr. Khieu Samphan came into power. Is  
2   there any document that he can refer to? If so, please do so.  
3   Thank you.

4   MR. LOR CHUNTHY:

5   Regarding relevant documents concerning Khieu Samphan, yes, there  
6   are – there is a document that he was appointed as the President  
7   of the State, so it means he had the power within Democratic  
8   Kampuchea.

9   (Judges deliberate)

10   [16.41.45]

11   MR. PRESIDENT:

12   The Chamber is of the view that we need to hear the response from  
13   the witness to the question put to him by the assigned lawyer for  
14   civil party. For that reason, the objection is not sustained.

15   Mr. Witness, you are now instructed to respond to the last  
16   question put to you by the assigned lawyer for civil parties.

17   MR. CHAU SOC KON:

18   A. It is easy for me to respond. Of course, in all the newspapers  
19   and the media in the West, they all said about the nominal role  
20   of Khieu Samphan. Khieu Samphan was only a nominal head of state  
21   and it is well-known throughout the West.

22   [16.42.48]

23   BY MR. LOR CHUNTHY:

24   Thank you.

25   Q. In document E3/1701, which is the confession of Lean Sirivut,

1 who writes in his confession that Mr. Chau Soc Kon is the -  
2 within the link of Try Meng Huot-

3 MR. CHAU SOC KON:

4 A. Yes, I know Try Meng Huot. He was in the same class with me.  
5 However, Counsel, that kind of confession cannot be used because  
6 it was obtained under torture.

7 MR. LOR CHUNTHY:

8 Thank you, Mr. Chau Soc Kon. I have no further question for you  
9 and I'd like to hand the floor to my colleague.

10 Thank you, Mr. President.

11 [16.44.00]

12 MR. PRESIDENT:

13 Court Officer, can you check with the AV Unit whether there is a  
14 need to change the DVD?

15 Lead Co-Lawyer, you may proceed.

16 QUESTIONING BY MR. AUBOIN:

17 Good afternoon, Mr. President. Good afternoon, Your Honours. Good  
18 afternoon to everyone here. Good afternoon, Mr. Witness. I'm  
19 going to close this day with very few questions.

20 Q. And my first question is: Were you a member or are you a  
21 member of the French Communist Party or a sympathizer?

22 MR. CHAU SOC KON:

23 A. No, I am not.

24 [16.46.42]

25 Q. Question number 2: Do you know which - for which crimes Mr.

1 Khieu Samphan is accused?

2 A. I know that he accused of committing the crimes, but of course  
3 it is up to the Court to find the truth; in particular, please  
4 try to find the evidence.

5 Q. That was not the question I was asking you. I was asking you,  
6 which crimes is Mr. Khieu Samphan being prosecuted for before  
7 this Chamber?

8 A. I don't have any document with me, but only heard that through  
9 the media he was accused of other crimes including the genocide -  
10 that is, war crime and genocide, but I don't have any concrete  
11 court document with me.

12 Q. Thank you, Mr. Witness. Well, of course, you can check the  
13 indictment on the Court's website, but my penultimate question,  
14 Mr. Witness, during your four encounters with Mr. Khieu Samphan,  
15 can you tell us briefly what are - what the topics are that you  
16 discussed?

17 [16.48.32]

18 A. For the first meeting in 1974, it was not a one-to-one  
19 meeting; it was a group meeting, and it was rather brief. When we  
20 were in Bucharest city, it was just a casual meeting asking one  
21 another about how we did and he spoke about the resistance, about  
22 the situation in the country.

23 And in 1989 - that is the second meeting in Paris - his role was  
24 to attend the meeting in preparation for the Paris Peace  
25 Agreement in Paris. And at that time, the meeting was also brief.

1     It was a cordial meeting. And I'd like to remind you that, at  
2     that time, I also followed the news regarding the process of the  
3     Paris Peace Agreement, and Mr. Khieu Samphan was one of the  
4     signatory of the agreement which carries a broad meaning for him  
5     – for himself.

6     And for the third meeting in Pailin, it was during a religious  
7     ceremony. I met him at a pagoda.

8     And the fourth meeting was in Anlong Veaeng. It was also rather  
9     brief. After I left Siem Reap, the meeting was in the afternoon  
10    and it was kind of a cordial meeting.

11    [16.50.12]

12    Q. Thank you, Witness. During these four encounters you had with  
13    Mr. Khieu Samphan, did you notice that Khieu Samphan was trying  
14    to hide certain aspects from his life?

15    A. It is my understanding – truly my understanding, I did not  
16    observe that he attempted to hide anything. And, in fact, we put  
17    questions to him; how he went by in his day-to-day activities and  
18    about his personal safety and he said that he had no concern at  
19    all; he used public transport. And there is nothing else for me  
20    to ask.

21    Q. Thank you, Witness. Did you discuss his political role during  
22    the period of Democratic Kampuchea?

23    A. No, we did not talk much about that. During the chit chatting,  
24    there was no specific subject raised.

25    Q. Thank you for your answer. And my last question: Is it fair to

1 say that, in reality, you know nothing of Khieu Samphan's  
2 political role during the period of Democratic Kampuchea?  
3 [16.52.04]

4 A. I did not have the knowledge of his other roles; I only knew  
5 of his position in the diplomatic nature and that he was in a  
6 nominal position and that's all.

7 Q. Thank you, Witness. And as a conclusion, do you believe that  
8 you learned anything during today's hearing? And did you learn  
9 anything about Mr. Khieu Samphan's role during the period of  
10 Democratic Kampuchea?

11 A. I do not have anything else to add. His main role during the  
12 time was the President of the State Presidium and, as I stated  
13 earlier, the West - in the West, the media and the press spoke of  
14 his role which was of its nominal nature.

15 MR. AUBOIN:

16 I have no further questions. Thank you, Witness.

17 [16.53.38]

18 MR. PRESIDENT:

19 Thank you.

20 Mr. Chau Soc Kon, the hearing of your testimony has now  
21 concluded. The Bench and the parties have no further questions  
22 for you and we are grateful for you that you spent your available  
23 time for this afternoon proceeding with patience and effort. Your  
24 testimony may contribute to ascertaining the truth in this case.  
25 And we wish you all the best, good health, and prosperity. And

1       goodbye, Mr. Chau Soc Kon.

2       MR. CHAU SOC KON:

3       Thank you, Mr. President. Goodbye.

4       MR. PRESIDENT:

5       AV Unit, you may now disconnect the teleconferencing from France.

6       The proceeding today has come to an end and we will adjourn now  
7       and we'll resume tomorrow morning – that is, Thursday the 23rd of  
8       May 2013, commencing from 9 a.m.

9       And for tomorrow we will hear the testimony of TCCP-187 and the  
10      civil party will be questioned first by Khieu Samphan's defence  
11      team. This is information for the public and for the parties.

12      [16.55.24]

13      Security guards, you're instructed to take the two accused back  
14      to detention facility and have them returned to the courtroom  
15      tomorrow morning, prior to 9 a.m. As for Nuon Chea, bring him to  
16      the holding cell downstairs, which is equipped with audio-visual  
17      equipment for him to follow the proceedings.

18      The Court is now adjourned.

19      (Court adjourns at 1655H)

20

21

22

23

24

25