



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

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

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 March 2015

Trial Day 256

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

The Accused: NUON Chea
 KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MS. GUIRAUD	French
MR. KOPPE	English
MR. KOUMJIAN	English
JUDGE LAVERGNE	French
MR. MOEURN SOVANN	Khmer
MR. NEANG OUCH ALIAS TA SAN (2-TCW-803)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. SONG CHORVOIN	Khmer
MR. SUON VISAL	Khmer
MR. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0907H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the testimony of a witness named

6 Neang Ouch. And the defence counsel will put questioning to this

7 witness today.

8 The greffier, Ms. Se Kolvuthy, could you report the attendance of

9 the Parties and individuals to today's proceeding?

10 THE GREFFIER:

11 Mr. President, for today's proceeding, all Parties to this case

12 are present.

13 As for Nuon Chea, he is present in the holding cell downstairs as

14 he requests to waive his right to be present in the courtroom.

15 His waiver has been delivered through the greffier.

16 [09.08.49]

17 The witness who is to testify today -- that is, Neang Ouch,

18 confirmed -- this witness and his duty counsel is -- are present

19 today in the courtroom and the reserve witness today is

20 2-TCW-948. To the best of the knowledge, this witness has no

21 relationship by blood or by law to any of the two Accused: Nuon

22 Chea or Khieu Samphan, nor to any of the civil parties admitted

23 in this case. This reserve witness has taken an oath already and

24 the reserve witness will have duty counsel with him as well --

25 that is, Mr. Moeurn Sovann.

1 MR. PRESIDENT:

2 Thank you, Ms. Se Kolvuthy.

3 The Chamber now decide on the request by Nuon Chea.

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

14 [09.10.30]

15 Having seen the medical report by the duty doctor for the Accused
16 at the ECCC, dated 11 March 2015, who notes that the health
17 condition of Nuon Chea is that he has severe back pain when he
18 sits for long, and recommends that the Chamber shall grant him
19 his request so that he can follow the proceedings remotely from a
20 holding cell downstairs.

21 Based on the above mentioned and pursuant to Rule 81.5 of the
22 ECCC Internal Rules, the Chamber grants Nuon Chea's request to
23 follow the proceeding remotely from a holding cell downstairs via
24 an audio-visual means for today's proceeding as he waives his
25 direct presence in the courtroom.

3

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

4 The Chamber now gives the floor to the defence counsel for the
5 Accused so that they have -- they can put questions to this
6 witness. First -- you may proceed now, counsel for Mr. Nuon Chea.

7 [09.11.57]

8 MR. KOPPE:

9 Good morning, Mr. President. Good morning, Your Honours. Good
10 morning, counsel.

11 Mr. President, before my national colleague will start asking
12 questions, I would like to seek your confirmation that we have
13 the equivalent of the Prosecution's time -- that means five
14 sessions. So, in principle, I think we could go until the next
15 day. However, I anticipate that we have questions only until the
16 end of the day, but I would like to make sure that this is indeed
17 the time allotted to us.

18 MR. PRESIDENT:

19 The two defence counsel for the Accused will have full day today
20 plus one session tomorrow.

21 MR. KOPPE:

22 Thank you very much, Mr. President. However, we will -- we shall
23 seek to strive to be finishing at the end of the day. Thank you.

24 [09.13.13]

25 MR. SUON VISAL:

4

1 Mr. President, Your Honours, and everyone in and around the
2 courtroom, before I put the question to this witness, I would
3 like to submit a request before the Chamber. I -- am I allowed to
4 do so?

5 MR. PRESIDENT:

6 You may proceed.

7 MR. SUON VISAL:

8 Yesterday, we observed that Judge Lavergne put questions to this
9 witness. Perhaps he put -- he used almost half day to put
10 questions to this witness. And I observed that Judge Lavergne was
11 playing a role as a prosecutor yesterday.

12 [09.14.11]

13 MR. PRESIDENT:

14 You are not entitled to criticise the Bench, and I decided
15 already that it is now time for your questioning to this witness.
16 And as we comply with the Cambodian Law and Procedure, we have
17 divided time for Parties to put questions to this witness. We
18 have to proceed our hearing effectively, and we allow time for
19 Parties to put questions, and the Bench can put any -- put
20 question at any time that they may be able to do so. You are not
21 allowed to criticize the Bench. I refer you to the procedure and
22 also Cambodian Law, and if you are not sure, you can also refer
23 us -- you can also refer us to any particular law, which are --
24 which you are allowed to criticize the Bench.

25 MR. SUON VISAL:

5

1 Thank you. Mr. President, actually, I would like to refer to the
2 Laws and Procedure and you interrupt me.

3 MR. PRESIDENT:

4 I would like to know whether now you want to put a question to
5 this witness or you want to criticize the Bench. Actually you are
6 not allowed to criticize the Bench.

7 [09.15.56]

8 MR. SUON VISAL:

9 So I may proceed with the questioning of this witness. We will
10 file an appeal to the Supreme Court Chamber at a later stage.

11 MR. PRESIDENT:

12 You can do so.

13 QUESTIONING BY MR. SUON VISAL:

14 Q. Mr. Witness, I have a few questions for you today. Yesterday
15 you informed the Chamber that you were appointed as a -- as an
16 assistant in Tram Kak district. In addition, you were assigned to
17 be in charge of Leay Bour commune. And besides all these as an
18 assignment, were you designated to do other job or to any other
19 position?

20 MR. NEANG OUCH:

21 A. I was not appointed to be in charge of Leay Bour commune, but
22 as I said, I lived in an area opposite Leay Bour Cooperative. And
23 beside that, I was not appointed or assigned any other roles.

24 [09.17.25]

25 Q. Thank you very much. Before you became an assistant in the

6

1 district, what were your specific roles and tasks?

2 A. As for my specific tasks before that, I was assigned to build
3 dams and to dig canals and to work in the field, so I did not
4 have any specific tasks. As I said, I was assigned to work in the
5 fields, in the water pumping station, and also I was assigned to
6 dig canals and build dams and dykes.

7 Q. So which communes and villages exactly were you assigned to
8 work?

9 A. First, I went to work in a canal construction site at Sla Kou
10 (phonetic) and the canal was dug to the east of a pagoda, and the
11 canal reached Khpob, and in addition to that, I was assigned to
12 dig canal at Mlech (phonetic) and to construct the gates to keep
13 waters. And I was assigned to build a dyke and dig canals 68.
14 This canal reached Angk Ta Saom. And I was assigned to dig canals
15 and this canal reached Sla Kou (phonetic).

16 [09.19.59]

17 And number three, I was tasked to work at the water pumping
18 station and this water pumping station was in the north of Takeo
19 provincial town, and this water pumping station was to provide
20 water for Takeo district. I met -- I was in the meeting with Ta
21 Kha (phonetic), Ta Chhay, Ta Kit, as an assistant. The meeting
22 held in the district office in the current Angk Roka market.

23 Q. Thank you very much. When you were assigned to work there, so
24 who were they -- were you -- where you were working with?

25 A. The workers at the worksite were female and males from mobile

1 units.

2 Q. Where were they from?

3 A. They were from different communes in Tram Kak district.

4 Q. Were the mobile unit were divided into a base, a mobile unit
5 or new mobile units?

6 A. They were not divided in different units. We lived and worked
7 together.

8 [09.22.08]

9 Q. What about food condition while you were working there?

10 A. As for food condition, as we were part of the mobile unit, we
11 could have enough food to eat.

12 Q. While they were working and if they fell sick, how were the
13 treatment for those people who fell sick?

14 A. When a worker fell sick - actually, as I said, there were
15 medics standby at our worksite and if the -- and if the worker
16 could not be treated or could not recover from the illness, and
17 they would send to a clinic at Trapeang Kul (phonetic).

18 Q. I would like now to move to another topic -- that is, the
19 marriage. You mentioned already yesterday that some couples, they
20 got married voluntarily because they could choose their own
21 partners, and you also mentioned that some other couples were
22 matched by the cadres there. So what did you mean by that answer?

23 A. As for couple who were matched, this mean that the communes
24 decide the couple -- the couples for the people, meaning that
25 some females were decided to be in marriage with other males.

1 [09.24.23]

2 Q. As you said, if they were matched, then what happens if they
3 refuse the marriage?

4 A. I never encountered any issue that the couples denied the
5 marriage after they were matched.

6 Q. Thank you very much. While you were working there, were there
7 any marriage taking place at your mobile units?

8 A. Actually, there were marriage ceremonies in the mobile unit,
9 because as I said, members of mobile units consists of male and
10 female.

11 Q. Before the marriage ceremonies, were the couple asked in
12 advance before they get married?

13 A. Actually, the head of the mobile units would seek opinion and
14 idea from those people who would be married, and after receiving
15 all the comment and opinion from those people, the marriage would
16 be held for them.

17 [09.26.24]

18 Q. Thank you very much.

19 I proceed to another topic in relation to your position as an
20 assistant in the district. You mentioned already that you were in
21 the meeting with the district committee. I would like to know
22 during the meeting, were there any principle laid out?

23 A. I find this question difficult to give my answer. The meeting
24 which I attended was to examine the tasks that we performed
25 previously, and in the meeting the plan would also be discussed

9

1 for future work. And we would also discuss how to dig, how to dig
2 the canal, how to build dams and dykes, but there were no main
3 principle discussed in those meetings.

4 [09.27.47]

5 Q. You also mentioned that there were three main tasks -- that
6 is, the task concerning economy, politics and social work. And
7 while you were assigned to work as an assistant, were you in
8 charge of all the three main tasks?

9 A. I did not mention that the three main tasks were politics,
10 economy and social work. I was assigned to work in, you know, in
11 some other area, and I need -- I had to comply with the work
12 assignment.

13 Q. Thank you very much. During the time that you were in the
14 meeting in Tram Kak district, have you ever heard leaders of the
15 district decided that ethnic - Cham ethnicity needed to be
16 smashed?

17 A. I never heard any such discussion.

18 Q. Did you hear that other communes spoke about this issue?

19 A. No

20 [09.29.38]

21 Q. What about the Vietnamese? Did they hold any discussion about
22 the Vietnamese at the base that they had to be smashed or what
23 measures had to be taken against them?

24 A. No, there was no such distinction.

25 Q. In the area that you worked in Tram Kak district, did you see

10

1 any Khmer Krom people there?

2 A. No. I was not aware that if there was any Kampuchea Krom
3 people living in Tram Kak district.

4 Q. During those meetings, did you ever hear any instruction about
5 sending those Khmer Krom back to their original place or that
6 they had to be smashed or something of that nature?

7 A. I never heard about any measures taken against the Khmer Krom.

8 MR. SOUN VISAL:

9 Thank you, Mr. Witness. I don't have any further questions for
10 you, and Mr. President, I would like to cede the floor to my
11 international colleague.

12 MR. PRESIDENT:

13 Thank you. And counsel Victor Koppe, you have the floor.

14 [09.31.22]

15 QUESTIONING BY MR. KOPPE:

16 Thank you, Mr. President. Good morning, Mr. Witness.

17 I would like to start with asking you a question about the Khmer
18 word that was discussed yesterday. If my pronunciation is
19 correct, the Khmer word is "boh sam at" or in English "sweeping
20 clean". You talked about that word in response to questions of
21 Judge Lavergne.

22 And following up on that discussion, I would like you to have a
23 look at the statement, which was also shown to you yesterday few
24 times -- that is, statement E319/12.3.2, more particularly at
25 question A311, the question that the Investigators are asking to

11

1 the particular witness is the following -- and I quote: "When you
2 talk about the term 'purged, sweep clean', you mean arrests,
3 correct?" And the witness answers in 311: "Yes."

4 [09.32.23]

5 My question to you is to give a reaction to the answer of this
6 witness who is saying that sweeping clean apparently means to
7 arrest? Did you see the -- not yet, okay. I'll -- it's
8 E319/12.3.2. It's the statement of the witness that we discussed
9 yesterday.

10 Well, I know that you have it there, so I would like to ask duty
11 counsel to show it to the witness. So, again, E319/12.3.2.

12 Well, the reason I am asking, because I will be asking more
13 questions about this statement, and I know for a fact that the
14 witness had it yesterday.

15 Mr. President, could I ask the Court officer to hand a copy of
16 the statement that I think he had yesterday?

17 MR. PRESIDENT:

18 Yes, you may proceed.

19 MR. KOPPE:

20 For the duty counsel, it is question 311. It's on page 53, on the
21 bottom of the page. Oh, no, that's English. It's A311.

22 [09.36.40]

23 BY MR. KOPPE:

24 So, I'll just do it again if that's all right with you, Mr.

25 Witness. The question in A311 is, to the witness: "When you talk

12

1 about the term 'purge, sweep clean', you mean 'arrest'; correct?"

2 And the answer is: "Yes."

3 Q. So my question to you is: Can you give a reaction to this
4 specific answer of that witness?

5 MR. NEANG OUCH:

6 A. The word 'to sweep clean' or 'to purge', in fact was asked by
7 the Co-Prosecutor the day before yesterday, for the afternoon
8 session. And if I recall it correctly, I sought a consultation
9 with my duty counsel. And in fact, yesterday morning I responded
10 to that question. So I've already replied to that question.

11 [09.37.54]

12 Q. I know you did, Mr. Witness, but I am now confronting you with
13 possibly a different interpretation of this word in Khmer. So I
14 would like you to give your reaction to her answer in relation to
15 this word.

16 MR. PRESIDENT:

17 Mr. Witness, please respond to this question, because your
18 response and the statement made by another witness is not
19 consistent, or is not in line together. Of course, we understand
20 that you already responded, or you provided your interpretation
21 to the Co-Prosecutor's question yesterday.

22 MR. NEANG OUCH:

23 A. The term 'to sweep clean' or 'to purge' in my personal
24 understanding of it, it means 'to kill' or 'to execute'. So, of
25 course it is different from this present statement. In this

13

1 person's statement, she only mentioned that the term means 'the
2 arrest'.

3 [09.39.16]

4 BY MR. KOPPE:

5 Q. I'm sure we will follow up with her on this word, Mr. Witness.
6 I'll continue my questions, and my questions are now relating to
7 the document E3/493 that was shown to you yesterday. Again, I
8 would like to ask the duty counsel to show this particular
9 document to the witness.

10 MR. PRESIDENT:

11 Yes, in fact you can do that. However, today, due to the
12 technical glitch, the document cannot be projected on screen, so
13 you have to rely on the hard copy paper.

14 BY MR. KOPPE:

15 Q. Now, Mr. Witness, the little note that was discussed
16 extensively yesterday, of which you say it was your handwriting,
17 seem to be attached to some other documents, which are all
18 contained in this E3/493 (phonetic). So, it would appear that the
19 widows that you are referring to in your note, seem to be the
20 widows that are referred to in the subsequent pages. Now, my
21 question to you is the following: Do you know what actually
22 happened to the five widows: Muoy, Ban Sokun, Kiev, the elder
23 aunt of Thou, and Mao?

24 [09.43.17]

25 MR. NEANG OUCH:

14

1 A. The five widows were reported, and I forwarded the report to
2 Ta Ran and Ta Bit. And they decided, and they made their
3 decision. And subsequently, I wrote down their decisions as
4 appeared on the document. And I wrote it in this document,
5 E3/4093, dated 7 August. What I wrote down there, was the
6 decision made by Ta Ran. And whatever I did, it meant I did
7 following the orders of the upper echelon -- that is, Ta Ran.

8 Q. I understand, Mr. Witness. That was indeed your answer
9 yesterday. My question is: Do you know what in fact happened to
10 the widows? Were you in any way an eye witness to their alleged
11 execution?

12 A. No, I did not witness that.

13 [09.45.22]

14 Q. Mr. Witness, there's another question that I have in relation
15 to this document, E3/493 (phonetic). Now, it would appear that
16 your note is dated on the 7th of August. However, it would appear
17 that the underlying report that you are saying you had forwarded,
18 dates from 8 August 1978. Now, my question is: Do you remember
19 anything about this, or would you be able to explain how it would
20 appear to be possible that you are forwarding a document a day
21 earlier?

22 MR. PRESIDENT:

23 The International Co-Prosecutor, you have the floor.

24 MR. KOUMJIAN:

25 Your Honour, I don't believe that that's a fair statement about

15

1 the document -- about the pages that follow in 4093. That that is
2 the report that the witness's 7th of August document is referring
3 to. Nowhere in the 7th of August document does it say it's
4 referring to a report. And in fact, the next pages, the 8th of
5 August, says "I wish to clarify the report". So, the document
6 from Meng on the 8th of August clearly is referring to an earlier
7 report.

8 [09.47.15]

9 MR. KOPPE:

10 Well, I'm very happy that the Prosecution is testifying as to
11 what he believes the content of both documents should be, but the
12 question is, of course, to the witness, who should be able --
13 maybe there is an easy explanation as to the difference in those
14 two dates. So, I think I'm entitled to ask the question to this
15 witness.

16 MR. PRESIDENT:

17 Yes, you may proceed, Counsel.

18 BY MR. KOPPE:

19 Q. So, again, Mr. Witness, maybe there's an explanation, but do
20 you remember -- let me rephrase. Do you know how it's possible
21 that the document that you appear to be forwarding is dated one
22 day later than your note?

23 MR. NEANG OUCH:

24 A. The document dated 7 August and the other document, dated 8
25 August, refer to two different documents.

16

1 [09.49.02]

2 Q. Could you expand on that? How do you know?

3 A. The difference is that the document dated 8 August - rather,
4 dated 7 August, bears my own signature, and I wrote that
5 document. And as for the document dated 8 August, it was written
6 by Meng. So, I cannot recall it clearly, regarding the details of
7 these two documents, but I can confirm that the first document,
8 dated 7 August, is my report or my note, because it bears my own
9 signature.

10 Q. But just to be clear, Mr. Witness, you're saying that your
11 note does not refer to the report of 8 August 1978, made up by
12 Meng. Is that correct?

13 A. I cannot say for sure because the second document was not
14 mine. It bears another person's name.

15 [09.51.38]

16 Q. Do you have, Mr. Witness, any recollection as to what your
17 practice was when dealing with reports coming to you? Did you, in
18 your recollection, add a little piece of paper with your notes to
19 the underlying document?

20 A. The small piece of note, dated 7 August, was written by me,
21 and I reported the matter to Ta Sarun (phonetic) and Ta Sarun
22 (phonetic) made his decision. And that's what I wrote in that
23 note. It was just a four-line note.

24 Q. Maybe I missed something in your answer today or yesterday,
25 but the note is directed to "Beloved Comrade Chhoeun". Is that

17

1 the same as Ta Ran? The same person?

2 A. I cannot find the name "Choeun" (phonetic) or "Ran", as you
3 pronounced.

4 [09.53.42]

5 Q. As unfortunately, Mr. Witness, I don't speak Khmer, I have to
6 deal -- I have to read the English translation, and the English
7 translation of your note starts with the words "Beloved Comrade
8 Chhoeun". Do you see the same thing on your note?

9 A. No, there is no "Comrade Choeun" in this document. I found a
10 name on this document -- that is, a Comrade Chhoeun.

11 Q. Just -- just to avoid all misunderstanding, so who was
12 Chhoeun?

13 A. Chhoeun held a position as chief of Tram Kak district office.

14 Q. But then can you explain me how it came that you were
15 requesting somebody on your level to do something with prisoners?

16 A. I reported this matter to Brother Ran, and Brother Ran
17 instructed me to write down his decision, and that's what I wrote
18 down.

19 [09.56.35]

20 Q. I understand, Mr. Witness. But in the English translation of
21 this document, it seems that you are requesting something, rather
22 than instructing. First sentence reads: "With regard to prisoners
23 from Cheang Tong commune, request to send any children."

24 Would you be able to explain why it is a request rather than an
25 instruction?

18

1 A. No, this does not mean I made a request. As I stated, what I
2 wrote down was the instruction laid down by Ta Ran.

3 Q. So I should read this document as -- not as a request to
4 "Beloved Comrade Chhoeun", but as an instruction. Is that
5 correct?

6 A. The decision made by Ta Ran was what I wrote down, and it was
7 not a request. It was an order to comrade Chhoeun for
8 implementing Ta Ran's decision.

9 [09.58.41]

10 Q. But I'm still not clear as to why it was you requesting or
11 instructing Chhoeun to sweep clean the widows or children?

12 A. I cannot provide you any further explanation, rather than what
13 I have explained to you, because if I keep doing it, it means I
14 kept repeating my responses. As I stated, I reported the matter
15 to Ta Ran, and whatever decision Ta Ran made, then I wrote it
16 down. And if I were not to write down what -- Ta Ran's
17 instruction, it means I would risk my life. Although I was
18 related to Ta Mok as his younger brother-in-law, if I did not
19 obey or follow the instructions, it means I would risk my life.

20 Q. Mr. Witness, yesterday you were shown this document, and in
21 answering questions of Judge Lavergne, you confirmed that this
22 little note bears your signature and is indeed your handwriting.
23 But you were also shown a number of documents, which also have
24 your name on it, but then you said that the name or the signature
25 was not yours. Would you be able, without having another look at

19

1 them, to tell us why this document, that is in front of you,
2 bears indeed your signature and is your handwriting, and the
3 other five or six documents does not have your handwriting?

4 [10.01.36]

5 JUDGE FENZ:

6 Counsel, could you rephrase? Because the way you put it in
7 English, you ask him to testify on why certain documents don't
8 have his handwriting.

9 MR. KOPPE:

10 I'm very happy to actually show the documents, of which he said
11 yesterday, "This is not my handwriting".

12 JUDGE FENZ:

13 But the question is --

14 MR. KOPPE:

15 The question is: How does he know for sure that E3/4093 does bear
16 his signature, and does bear his handwriting, and the other ones,
17 with also his name, that's not his handwriting? So, I want to
18 find out how he is able to determine.

19 [10.02.40]

20 BY MR. KOPPE:

21 Q. So, my question again. I'll try to phrase it more simply.

22 Yesterday, you said that there were certain documents shown to
23 you that did not bear your handwriting or your signature. How can
24 you tell for sure that E3/4093 does bear your signature and
25 handwriting?

1 MR. NEANG OUCH:

2 A. Because I recognize my own handwriting. The document E3/2785,
3 dated 7 March, with the signature of my name "San", the
4 handwriting in this document is not my handwriting, and the
5 signature is also not my signature.

6 [10.04.00]

7 Q. That is exactly my understanding of your testimony yesterday,
8 Mr. Witness, but there are one, two, three, four, five, six, six
9 other documents, also Tram Kak district records, with your name
10 on it, and signature sometimes. And you're saying that these are
11 also not your -- this is also not your handwriting and signature.
12 So, the question is: Are you able to tell us why you are sure
13 that 4093 is indeed your handwriting, and with the other
14 documents, that it is not the case? That apparently it is another
15 San?

16 A. I mention that clearly, because, as I said, I could recognize
17 my handwriting.

18 Q. Fair enough, Mr. Witness. But then, the question arises: Who
19 is the other San that has been signing at least six or seven
20 documents with the name "San"?

21 A. I did not know, as I said. It was not my handwriting.

22 Q. Very well, Mr. Witness. We will -- I would like to go back to
23 the same document again, 4093, and more specifically, the
24 sentence which in English reads as follows: "But if children
25 cannot be separated from their mothers, bring them in for

21

1 interrogation, and after everything is finished, to sweep them
2 all clean." I'm interested in the word, or the Khmer equivalent
3 of the English word "if". Do you know whether in fact children
4 were located who could not be separated from these specific
5 mothers?

6 [10.07.04]

7 A. I find it difficult to explain the word "if" here. If the
8 children could not be separated from their mothers, they -- the
9 children and the mothers -- should be brought in together and
10 swept clean. This was the decision made by Ta Ran, and I was
11 asked to write from his dictation.

12 Q. I understand. That was your answer, indeed, Mr. Witness. But
13 you are a teacher. You have been a teacher for a long time. Maybe
14 it's different in Khmer, but if the English word says "if"
15 something has to happen, then it doesn't necessarily happen. So,
16 my question: Do you know whether children were indeed found who
17 could not be separated from their mothers?

18 A. As for children who could not be separated from their mothers,
19 they were with their mothers.

20 [10.08.45]

21 Q. But my question is: Do you know whether such children were in
22 fact found?

23 A. Could you repeat your question, please?

24 Q. We're entering the grammar -- the Khmer grammar versus the
25 English grammar, so maybe I'm not formulating my questions well.

22

1 But, your note reads that "if" children are to be found. "If". My
2 question: Do you know whether in fact, in this particular
3 circumstance, such children were found?

4 A. I do not really understand the gist of the question. As I
5 mentioned, the children and the mothers stayed together.

6 Q. That I understand in general.

7 MR. KOPPE:

8 Mr. President, maybe I look at you. Maybe there is something not
9 going well in the translation of my question. My question is, as
10 you understand, about the word "if". "If" suggests that something
11 can happen or cannot happen. So maybe, Mr. President, you could
12 ask the witness if he knows that such children were in fact
13 found.

14 [10.10.58]

15 JUDGE FENZ:

16 May I ask a question for clarification? Is your question whether
17 he knows of cases where children -- is this the question?

18 MR. KOPPE:

19 Well, not of -- not of cases. I want to know -- this is a very
20 specific order. It's an order to say, "if you find children, kill
21 them". So it seems. I want to know if this specific case, he
22 knows whether such children, who could not be separated from
23 their mothers, were indeed found and killed.

24 [10.11.42]

25 MR. PRESIDENT:

1 I believe you can answer, Mr. Witness. The question is clear. In
2 the report, the children have to be separated from their mothers.
3 If they cannot be separated, bring them in and sweep them clean.
4 And the Khmer -- the Khmer version is very clear for all of us:
5 "And the children, if they cannot be separated from their
6 mothers, they should be swept clean." So, based on the substance
7 of the report, could you explain it?

8 MR. NEANG OUCH:

9 A. After the decision made by Ta Ran, I wrote from the dictation,
10 and as for the consequence, I did not know what happened next.

11 MR. KOPPE:

12 Thank you, Mr. Witness. Now, I have another question about this
13 same sentence.

14 MR. PRESIDENT:

15 Thank you very much, Counsel. It is now a convenient time for a
16 break. The Court will take a break from now until 10.30.

17 Court officer, please coordinate a proper place for Mr. Witness
18 and also for the duty counsel, and invite them back to the
19 courtroom before 10.30.

20 The Court is now adjourned.

21 (Court recesses from 1013H to 1033H)

22 MR. PRESIDENT:

23 Please be seated.

24 The Court is now back in session and before I hand the floor to
25 the defence team for Nuon Chea, the Chamber would like to inform

24

1 the relevant Parties that last week the Chamber was seized of a
2 request by the Co-Prosecution -- that is, E3/197, to request to
3 hear testimony of - testimonies of new witnesses and the Chamber
4 would like to hear the comments, or observations, or responses
5 from other Parties so that we can use as the basis for our
6 decision and we can do it for the afternoon session at the end of
7 this afternoon session for that.

8 And the Chamber would like now to again hand over the floor to
9 Counsel Koppe to continue putting questions. You may proceed.

10 [10.34.47]

11 BY MR. KOPPE:

12 Thank you, Mr. President.

13 Q. Mr. Witness I have one additional question on this document
14 that we have been discussing at length E3/4093, and it's the same
15 sentence that refers to "if children cannot be separated".

16 The witness is doing something with his phone so I wait till he
17 is finish.

18 Yes, Mr. Witness, so I would like you to go back to the same
19 sentence that starts "but if children". I will read to you what I
20 have in my English translation. My English translation reads as
21 follows: "But if children cannot be separated from their mothers,
22 request to bring them in for interrogation and after everything
23 is finished to sweep them all clean." Now my first question is:
24 "Children that cannot be separated from their mothers," does that
25 mean small babies?

1 [10.36.35]

2 MR. NEANG OUCH:

3 A. On the issue of the word "children" used in this context, it
4 does not refer to babies. They refer to children, but as I stated
5 I did not know what happened after as I only made a report and
6 wrote down the decision from the upper echelon. So whatever was
7 decided by the upper echelon, I would write that down.

8 Q. I understand, Mr. Witness, but I'm interested in the words
9 "children that cannot be separated". Does that mean babies or
10 younger children who are still in the care of their mother?

11 A. Children here does not refer to babies or who are still
12 breastfed. Here, to my understanding, it refers to younger
13 children who could walk. And in fact I did not see what happened
14 next as I stated.

15 Q. But the note seems to make a distinction between bigger
16 children that have already gone to the mobile units or children's
17 unit on the one hand and on the other hand children that cannot
18 be separated from their mothers. So my question is: What exactly
19 do you mean with "children that cannot be separated from their
20 mothers"?

21 [10.38.52]

22 A. People who work at the mobile units were the male and female
23 youths. There were also a group of children who were between 10
24 to 12 years old and here as for "children who could not be
25 separated from the mother" and I explained it to you already, to

1 my understanding, here, it does not refer to the breastfed
2 babies, but it refers to younger children who could speak and who
3 could walk. And further than that, since I did not see what
4 happened, I could not say anything more. I only forwarded the
5 report to Ta Ran for his decision.

6 Q. Thank you, Mr. Witness.

7 [10.40.05]

8 MR. KOPPE:

9 Mr. President, I have a request and that is in relation to this
10 document. As you know we have submitted already few times that no
11 original documents exist, that everything that we're talking -
12 that we are dealing with here are copies. So we have been a bit
13 -- we did some handicraft, to put it like that, and we've tried
14 to imitate, as much as possible, how possibly the original could
15 have looked like. We've based ourselves on the Khmer documents
16 and the way that this little note which is written, it seems by
17 this witness was attached to it.

18 I seek your guidance as to how to proceed. I'll show it to you.

19 What we've done is made a copy of what is probably the notebook

20 and what is possibly the way his note was attached. And I would

21 like to ask the witness something about whether this in fact

22 would be similar to the way he attached notes to other reports

23 and if yes, how exactly did that go. So it's something because of

24 the lack of original documents, we would like to be able to show

25 this to the witness. So I am in your hands at this request.

1 (Judges deliberate)

2 [10.42.50]]

3 JUDGE FENZ:

4 May I ask a question? Is the objective to show how they were
5 physically attached together?

6 MR. KOPPE:

7 Yes, but there are many of those documents, and I'm just trying
8 to establish whether this was in fact how it was done that he was
9 in fact adding this little handwritten note because that's how we
10 understand this document to look like.

11 JUDGE FENZ:

12 And why don't you just ask the question?

13 MR. KOPPE:

14 Well, you've seen the trouble that I have with getting an answer
15 on this document so I thought this would be practical.

16 (Judges deliberate)

17 [10.44.20]

18 MR. PRESIDENT:

19 The International Co-Prosecutor, you have the floor.

20 MR. KOUMJIAN:

21 If Your Honours are considering having this shown to the witness,
22 I think the other Parties deserve the opportunity to see what it
23 is.

24 MR. KOPPE:

25 Mr. President, I'm very happy to leave the question until after

28

1 the break so that we can give this product of our handicraft to
2 the other Parties and to the Bench.

3 The reason I'm also asking this now is because it seems unclear
4 whether his note in fact refers to the underlying document and
5 since we do not have any original whatsoever -- and I think we
6 need to establish whether his real note in fact refers to the
7 underlying documents which seems to be one package. So I think
8 this witness is potentially in a unique position as to say how in
9 that period documents were handled and whether in fact he stapled
10 this or glued this or used a paper clip and whether it would be
11 possible that this little note has in fact nothing to do with the
12 underlying document.

13 [10.45.40]

14 MR. KOUMJIAN:

15 I'll just comment that the questions counsel raised make sense
16 but he can ask them without -- and something that's been created
17 not by a witness, he can ask those questions, how were things
18 attached, does his note refer to the subsequent documents, he's
19 been doing that already.

20 BY MR. KOPPE:

21 Okay. I'll give it a try.

22 Q. Mr. Witness, we've been speaking about the little note that
23 you've said you have written. Do you remember how you attached
24 your little note - or your note to the underlying document? Did
25 you staple it? Did you use a paper clip? In this specific case,

1 do you remember how you attached your note to the other
2 documents?

3 [10.46.45]

4 MR. KOUMJIAN:

5 I will just -- my objection is it's not clear that -- and the
6 question presumes a note was attached to other documents, the
7 witness hasn't testified to that and in fact the document that
8 the counsel refer to earlier -- that's the next two pages -- it
9 says: "As for the report from the grassroots of Trapeang Thum
10 Khang Cheung, I have already sent it to the District
11 Organisation. This is a copy of the report from the grassroots",
12 and it ends: "May the respected and beloved comrade in charge of
13 the district branch, please be informed." So I don't want to
14 suggest anything to the witness, but there's definitely other
15 possibilities other than these documents were sent with -- by the
16 witness with the note.

17 [10.47.44]

18 MR. KOPPE:

19 I agree completely with the Prosecution. The fact is that we
20 don't know and what we do know is that is, as I said many times
21 before, we do not have originals and we do know that these
22 documents have been extensively used post 1979, and if this
23 little note is attached to this document, we need to be able to
24 establish whether that is in fact the case. At the end of the
25 day, we're talking about what seems to be a direct order to

1 execute people.

2 BY MR. KOPPE:

3 Q. So again, I would like to ask the question that I asked
4 before: Mr. Witness, do you remember in this specific case,
5 whether you in fact attached your note to the underlying
6 documents?

7 MR. NEANG OUCH:

8 A. I cannot recall that because when I see this little note with
9 only four lines here in this Court, it does not assist me in
10 recollecting what I did at the time.

11 [10.49.10]

12 Q. Do you remember whether you used small little notes, small
13 little papers from a small notebook and then attach it to pages
14 coming from a children's notebook?

15 A. I cannot recall that. I did not know how I attached the brief
16 notes to those documents because what we have in our hands here
17 are copies and they are not the originals.

18 Q. I would like to read to you, Mr. Witness, a passage from the
19 statement of the female witness that we've been discussing
20 earlier and I would like to have your attention to question 212
21 -- that is, document, Mr. President, E319/12.3.2 and question 212
22 is the following - and I quote:

23 "When the militiamen arrested people, did you write a response
24 letter to An?"

25 Answer: "I did not write to An but I wrote straight to the

31

1 District Secretary because at that time, some letters were
2 forgeries so I was also worried about myself. In that letter I
3 wrote, 'now the people have been arrested as requested'.
4 Now, Mr. Witness, this particular witness seems to be a cadre at
5 your level, testified to the existence of forgeries. Does that
6 ring any bell with you?

7 [10.51.25]

8 A. I would like to show the document -- that is, E3/2785, and it
9 is sent to Comrade An, that the two men fled to "Yuon", and the
10 document dated 7th March and underneath it was signed as "San",
11 and to my understanding this letter is a forgery because
12 forgeries did exist during the Democratic Kampuchea period and I
13 can confirm that the handwriting in this letter is not mine. And
14 as in the case of this woman whose statement you just read out,
15 she also confirmed about the forged letters during the DK period
16 and probably you can understand why Ta Ran did not write his own
17 instruction and why he only provided an oral instruction to me to
18 write. Maybe he did not want to be implicated due to the fact
19 that the hard copy documents may exist but the oral report could
20 not be found and that he did not want to put himself at risk in
21 this situation.

22 [10.53.15]

23 Q. I understand, Mr. Witness. But would you be able to explain
24 why E3/2785 is a forgery? What is the basis of your reasoning as
25 to why this document which seems to be the contemporaneous DK

1 document is in fact a forgery?

2 A. The evidence that I rely on is that the handwriting is not my
3 handwriting. It is not my handwriting at all from what I can see.

4 Q. But how would you be able to tell that it is a DK forgery?

5 Would it be possible -- I ask to you speculate -- but is there a
6 knowledge that you have that it could be a post 1979 forgery?

7 A. As to the year of the forgery, I cannot tell you.

8 Q. So you stick to your testimony that because it doesn't look
9 like your handwriting and your signature, and because it says
10 "San", it must be a forgery, is that your testimony?

11 A. Yes it is, because the handwriting is not mine.

12 Q. How about document, Mr. Witness, E3/2423? I believe that it is
13 your testimony that also in relation to this document that it is
14 not your handwriting.

15 Khmer page, Mr. President, 00079128.

16 So again, Mr. Witness, have a look at E3/2423 and tell me whether
17 this is your signature, yes or no and if you believe it's a
18 forgery.

19 A. Document E3/2423 also does not contain my own writing.

20 [10.56.49]

21 Q. But in relation to the previous document, you were very strong
22 in your answer in saying that it is a forgery. Are you saying
23 that this is also a forgery, and if yes, why?

24 A. The only reason that I rely on is the handwriting and that
25 handwriting is not mine.

33

1 Q. I would like you, Mr. Witness, to have now look at E3/2444,
2 and I'm asking you the same question. You testified earlier that
3 this is not your handwriting and your signature. Please confirm.

4 MR. PRESIDENT:

5 The National Deputy Co-Prosecutor, you have the floor.

6 [10.58.25]

7 MS. SONG CHORVOIN:

8 Mr. President, in reference to document E3/2444, raised by the
9 defence counsel, in my note the witness stated that he could not
10 read the letter there and he did not say that it was not his
11 handwriting.

12 MR. KOPPE:

13 Fair enough. I'll move on to another document. We're basing
14 ourselves upon the draft transcript, which wasn't always clear to
15 us.

16 Mr. Witness, now I would like you to have a look at E3/4122. My
17 question is the same.

18 MS. SONG CHORVOIN:

19 Mr. President, I would like to have the floor.

20 MR. PRESIDENT:

21 Yes, you can proceed.

22 [11.00.26]

23 MS. SONG CHORVOIN:

24 Mr. President, the counsel refers to an E3 document without
25 giving the exact ERN number and in this case this document is

1 nine pages long. So please instruct him to give us the ERN
2 number.

3 MR. PRESIDENT:

4 Thank you. Counsel Koppe, could you please specify the ERN
5 number of the document in the three languages so that the Parties
6 and the Bench can follow your question and that would also
7 facilitate the duty counsel to assist the witness.

8 MR. KOPPE:

9 Of course, Mr. President. The Khmer document - the Khmer ERN is
10 00271087; English, ERN 00779255 up until 57; I'm afraid; I
11 apologise; I don't have the French ERN right now.

12 Mr. President, it seems that the duty counsel doesn't actually
13 have E3/4122, so with your permission, I would like to hand over
14 the document to the witness.

15 [11.01.54]

16 MR. PRESIDENT:

17 Yes, you may do so.

18 (Short pause)

19 [11.03.35]

20 BY MR. KOPPE:

21 Mr. Duty Counsel, I believe its 00271087, the specific Khmer
22 page.

23 Q. So, Mr. Witness, I believe yesterday you said this wasn't your
24 handwriting. Are you confirming this now and if yes, is it your
25 position?

1 I see the Prosecution standing.

2 MR. PRESIDENT:

3 You may proceed, International Co-Prosecutor.

4 MR. KOUMJIAN:

5 I was going to say that I did not use this document. I don't
6 recall that Judge Lavergne did or any other Judges did or the
7 civil parties in the questioning.

8 [11.04.50]

9 MR. KOPPE:

10 I requested my team to collect all documents shown to the witness
11 that he spoke of. I'm not sure if I did it correctly so I'll be
12 happy to re-organise this and make sure that it was actually
13 mentioned in the draft. No?

14 I'll move on the next document just to speed up and then I look
15 at you as well, Judge Lavergne, I believe E3/2424 was shown
16 yesterday to the witness and if I do not see any nodding heads,
17 Mr. Witness, I would like you to have a look at E3/2424, Khmer,
18 ERN 0027075758 and 61.

19 JUDGE LAVERGNE:

20 I don't believe I used this document, if you may allow me to say
21 so. I don't believe I used this document.

22 [11.06.20]

23 MR. KOPPE:

24 Then let me propose the following: I will revisit this subject
25 after the break. Maybe something went wrong in the communication

1 within my team; we had to do it very last moment. So, Mr. Witness

2 --

3 MR. KOUMJIAN:

4 I did use that document.

5 BY MR. KOPPE:

6 So the question is answered.

7 Q. Mr. Witness, is that your handwriting and your signature and

8 if no, is it your testimony that this must be forgery as well?

9 MR. NEANG OUCH:

10 A. Which document number you are referring to?

11 [11.07.06]

12 Q. E3/2424.

13 Q. You don't have it?

14 MR. KOPPE:

15 Mr. President, with your permission I would like to hand the

16 document to the witness, E3/2424.

17 MR. PRESIDENT:

18 You may proceed.

19 BY MR. KOPPE:

20 Q. Specifically, Mr. Witness, I would like you to have a look and

21 Mr. Duty Counsel, Khmer 00270757, 758 and 761.

22 [11.08.50]

23 MR. KOPPE:

24 Well, I'm not a good reader of Khmer so I think it is on Khmer

25 page 61, at the end 58 and 57, these are the relevant pages.

1 BY MR. KOPPE:

2 Q. Mr. Witness, are you able to tell us something about this
3 document? is that your handwriting and signature that you see in
4 front of you?

5 MR. NEANG OUCH:

6 A. Which ERN number, is it 00270761 in document E3/2424? Is that
7 correct?

8 Q. I just gave you my copy, so I'm not sure.

9 MR. KOPPE:

10 Mr. President, I suggest to do the following, to reorganise so we
11 have exactly the relevant page. I think we have it now but I'm
12 relying on my Khmer consultant to actually identify the document
13 so if that is alright with you I will re-address this issue after
14 the lunch break and I will move on to the next topic.

15 [11.13.00]

16 BY MR. KOPPE:

17 Q. So Mr. Witness, I will come back to this issue but now I would
18 like to ask you a few questions in relation to some other things
19 that the female witness we just spoke about has testified to.
20 There are certain passages in her statement that I would like to
21 read to you and my question would be each time to ask for your
22 comment.

23 MR. KOPPE:

24 So Mr. President, this is E319/12.32. First, I would like to go
25 to question A56, and if the duty counsel has the question laid

1 out for the witness, I would like to quote it. The question is
2 about Ta Mok.

3 [11.14.03]

4 "Did you personally know him?", the witness is asked.

5 "Yes, I personally knew him. Sometimes he came to see the
6 co-operative kitchen and he asked the people whether they ate
7 enough or not. Ta Mok visited every site. I met Ta Mok."

8 My question is actually very simple, Mr. Witness: Can you confirm
9 or not that Ta Mok always asked whether people had enough to eat?

10 MR. NEANG OUCH:

11 A. Ta Mok always asked like what the lady said in her statement,
12 he always asked whether people had enough food.

13 Q. In your recollection, did that mean that he was concerned
14 about whether people had enough to eat, whether that was one of
15 his prime concerns?

16 A. He was always concerned about this as he was a rice farmer.

17 [11.15.44]

18 Q. Do you recall any situations that he was shown situations in
19 which people didn't have enough to eat and then he instructed to
20 take measures, he instructed people to take measures?

21 A. On some occasion, he took action, he took measures, he would
22 get the rice from his warehouse and supply to people.

23 Q. Thank you, Mr. Witness. The same witness was asked the
24 question in question 101, and I would like to read the question
25 to you and her answer. And again, I would like to ask you your

1 reaction.

2 Question: "After the Khmer Rouge declared their victory in 1975,
3 Phnom Penh was unpopulated because they evacuated the city. Many
4 people were evacuated to Sector 13. How did the Khmer Rouge
5 authorities divide or classify all of those evacuees?"

6 Answer: "As I remember, first, they concentrated them in one
7 place, then they divided them out to villages to live, mingle
8 together. They divided them out to each village based on the
9 economic scale of that village."

10 [11.17.35]

11 Please give your reaction to that testimony, Mr. Witness. Is that
12 accurate or not accurate what the witness says?

13 A. The statement here is correct.

14 Q. Would you be able to tell us some more what that means "to
15 live, mingle together"? How did that work in practice?

16 A. "To live and mingle together" means that people from Phnom
17 Penh they were allowed to live with villagers; that's the
18 meaning. So, people from Phnom Penh, had to live with villagers
19 together. In one house, there would be people from Phnom Penh
20 living together with villagers there.

21 Q. Do you know or do you remember if people who had come from
22 Phnom Penh to mingle with the people in the village were
23 discriminated against just for the reason that they came from
24 Phnom Penh earlier?

25 A. I never experienced any discrimination, I never encountered

1 such incident.

2 [11.19.40]

3 Q. Yet, Mr. Witness, there is testimony that so-called 17 April
4 People felt that they were not treated as well as the villagers.

5 Are you able to react to that?

6 A. Concerning this matter, I guess perhaps people from Phnom Penh
7 had their own thoughts and I myself have had different thought.

8 I, at a time, thought that my relatives were from Phnom Penh and
9 they were 17 April People and I did not know this matter clearly.

10 Perhaps people just thought that by themselves.

11 Q. Do you whether there was a policy -- a Khmer Rouge policy --
12 to discriminate against the 17 April People, do you know if such
13 policy existed?

14 A. Before I came to live in Tram Kak district, I did not know
15 whether such policy existed. I did not recall when I went to live
16 in Tram Kak district. I heard the announcement that all people
17 were equal.

18 [11.21.53]

19 Q. Thank you, Mr. Witness. I would like to move to another
20 passage from this witness's statement.

21 Mr. Duty Counsel, that is A111 up until 114.

22 Mr. Witness, I would like to read the whole passage, it is a
23 little bit longer than the previous one but please bear with me.

24 Question: "During the Khmer Rouge regime, the Party arranged
25 marriages. How did they arrange marriages? Was there a discussion

41

1 within the sector level or was that decided by the co-operative
2 level or village level?"

3 Answer: "The commune level listed the names of couples to be
4 married and send the names to the sector level to decide how many
5 couples were to be married each time. I, at the lower level, did
6 not dare to make decisions on this issue. The ones who loved each
7 other came to inform us and we listed their names and send their
8 names to the sector. Those who did not agree also told us they
9 did not agree and we crossed out their names."

10 [11.23.22]

11 Question: "We have evidence and we know that the people did not
12 freedom in choosing their spouses and the Party forced people to
13 get married, is this true?"

14 Answer: "The Party decided but they arranged for the New People
15 to marry the New People, while the Old People had to marry the
16 Old People. We can say that they were forced marriages because
17 the Party decided them. If the New People had to marry Old People
18 and if anyone refused, we crossed their names out because some
19 people had bad backgrounds."

20 Question: "Were those forced marriages or those marriage
21 arrangements designated by Centre level down to Zone level to
22 sector level, then to district and commune level or were they
23 decided by the commune level or district level?"

24 Answer: "The Centre level did not decide. The commune and
25 district level did."

1 [11.24.28]

2 And finally, question: "Who decided who was to marry whom?"

3 Answer 114: "At my site, I checked which man and woman worked
4 together and got along with each other so I arranged them to
5 marry one and another. The village level reported to the commune
6 that this person was to marry that person and there were also
7 forced marriages. Then the commune level reported to the district
8 level but I did not know whether or not the district forward the
9 report to the upper echelon. I did not know how other sites
10 arranged their marriages."

11 I apologise I have also question 116 and it is the last question,

12 Mr. President:

13 "We have had evidence and we were made aware that many men and
14 women refused to get married because they had not known each
15 other, did you know about this issue, what happened if they
16 refused to get married as arranged?"

17 [11.25.30]

18 Answer: "Nothing like that happened at my site. They all had
19 known one and other because my site was not large. We arranged
20 their marriage and the couples agreed. But if the upper level did
21 not approve, they could not marry."

22 Now Mr. Witness, that's a long passage from this statement, and
23 my question is a general one: Do you agree or not with this
24 particular statement on the marriages?

25 A. I agree with the statements because the arrangement of

1 communes varied and as for my commune, we had our own
2 arrangement. I agree with this statement.

3 Q. Do you know if within the DK period there was a policy to
4 force man and woman against their will to marry each other, in
5 other words that they were married even if they didn't agree or
6 even if they didn't love each other?

7 A. I did not know this well and it depends on the interpretation
8 or the understanding of witnesses. I did not well concerning this
9 matter.

10 As for marriage against their wills and as stated in the written
11 record here, names were crossed out.

12 [11.27.38]

13 Q. Do you know whether there was any general guideline coming
14 from the top to the bottom indicating that people could be forced
15 to marry?

16 A. I did not recall whether there was such a principle or policy.
17 I did not recall it.

18 Q. What can you tell us about variation between the communes when
19 it comes to marriage? Do you know -- is it your recollection that
20 the way marriages were arranged or entered into varied from
21 commune to commune?

22 [11.28.48]

23 A. As for the marriage, the way of marriage, they were not quite
24 different from each other. For example, four couples would be
25 arranged marriage by the chief of cooperatives or communes. The

1 chief of cooperatives or communes would declare that the four or
2 five couples would be married and after the announcement or after
3 the declaration, the couples would be asked to rise up and make a
4 resolution whether they agreed to live together. Males would rise
5 first and make resolution and after that females turn and after
6 the making of the resolution of the five or four couples, there
7 would be dinner. There would be chicken, there would be soup,
8 there would be rice.

9 Q. You're talking about the ceremony? What can you tell us about
10 the way man and woman found each other; do you know whether there
11 was a difference between one commune and the other commune in the
12 way that couples were brought together?

13 A. Actually, man and woman were from the same commune but perhaps
14 man and woman were from different villages, they were in the same
15 mobile unit or in the same work site. They could see each other
16 every day and perhaps they could be matched. There was
17 arrangement in Leay Bour; there was such incidents that the
18 drivers from other mobile units -- there were incidents that
19 drivers from other mobile units and they were matched with the
20 people from another village. And as for the marriage ceremony, I
21 mentioned to you already, there were no music played, there were
22 no achars attending the ceremony.

23 [11.32.02]

24 Q. My last question on this subject, Mr. President, before the
25 break: Do you remember or recall any instances in which a woman

1 who didn't like her future husband was nevertheless forced to
2 marry him?

3 A. I witnessed one incident in Leay Bour. The driver from Sector
4 13 got married with a woman in the mobile unit in Leay Bour.
5 After 10 days of marriage, the woman refused that she did not
6 want to live with that man. There was no reaction at that time
7 from the chief of the commune and the couple were separated from
8 each other for a while and that woman was explained and the man
9 was also explained by his colleagues and after a few days they
10 came to live together.

11 [11.33.36]

12 There was another incident, the couple got married and after one
13 month they wanted to live away from each other and they lived
14 separate from each other and after the Vietnamese invasion, the
15 husband of that lady ran into the forest and at that time there
16 was a request for remarriage by that man but it was refused
17 because it was found out that the wife of the man was still alive
18 and then the lady was brought back to that area and they lived
19 together. And later on, the lady ran away from the husband again.
20 So these were the two incidents I encountered and I witnessed.

21 Q. One last follow up question, Mr. Witness: You mentioned only
22 two incidents, do you know whether the women in these two
23 incidents were ever punished or did ever get in trouble because
24 of their issues?

25 A. No.

1 MR. KOPPE:

2 Thank you, Mr. Witness.

3 [11.35.26]

4 MR. PRESIDENT:

5 Thank you very much. It is now time for lunch and the Court will
6 adjourn now until 1.30.

7 Court officer, please facilitate a proper room for this witness
8 and for the duty counsel and you are instructed to invite the
9 witness together with the duty counsel into this courtroom before
10 1.30.

11 Security personnel are instructed to bring Mr. Khieu Samphan to a
12 waiting room downstairs and have him returned before 1.30 p.m.
13 this afternoon.

14 The Court is now adjourned.

15 (Court recesses from 1136H to 1333H)

16 MR. PRESIDENT:

17 Please be seated. The Trial Chamber is now in session and we
18 would like to give the floor to the Nuon Chea defence counsel to
19 continue his line of questioning.

20 Counsel, you may proceed.

21 [13.34.09]

22 MR. KOPPE:

23 Thank you, Mr. President. Good afternoon, Your Honours. Good
24 afternoon, Your Honours.

25 In response to your oral request this morning in relation to the

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1 witness that was requested by the Prosecution, of course, there's
2 no doubt that this witness is very relevant and I think she
3 should be scheduled as soon as possible. However, of course, we
4 have the same problem with her -- with this witness, there might
5 be a lot of evidence out there which describes activities on the
6 sector level. So, with that caveat, we do not object to having
7 that witness scheduled as soon as possible.

8 Having said that, Mr. President, I would like to continue with my
9 questions if that's all right, to the witness.

10 [13.35.09]

11 BY MR. KOPPE:

12 Q. Mr. Witness, I was -- before the lunch break, I was reading
13 some excerpts from the statement of the witness that you know
14 that I - whom I'm talking about. I would ask -- I would like to
15 ask you a few more questions in relation to the excerpts of her
16 statement. More particularly, I would like to read to you her
17 answer to question A141, and again -- the same procedure -- I
18 would like to ask your reaction.

19 So Mr. Witness, she's asked by the Investigators the following
20 question:

21 "Were you authorised to appoint or remove the cooperative
22 chairperson?"

23 Answer 141: "There was an election -- there was an election to
24 select a good cooperative chairperson in the village to find a
25 good person. After the villages had agreed to select someone, I

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1 appointed that person to be a chairperson. I was authorised to
2 remove bad or uncivilised cooperative chairpersons and make them
3 become ordinary people again. The cooperative chairpersons were
4 normally selected from the ordinary people."

5 [13.36.41]

6 Question: "If a cooperative chairperson did not act well, was the
7 cooperative chairperson arrested or re-fashioned or re-educated?"

8 Answer: "Cooperative chiefs were not arrested or re-educated, but
9 the people were. Bad and dishonest cooperative chiefs were
10 removed and sent back to be ordinary people to do work, such as
11 transporting firewood, carrying vegetables and so on."

12 My question, Mr. Witness, is your reaction to this particular
13 excerpt in the witness' statement. Do you agree with this
14 statement - yes or no?

15 MR. NEANG OUCH:

16 A. On this issue, I have never encounter any removal or any
17 sending back anyone to the -- to be ordinary person for any
18 re-education.

19 [13.38.02]

20 Q. Very well. My question is particularly -- my following
21 question is particularly directed to the word -- to the words
22 "bad and uncivilised cooperative chairpersons". Is that something
23 that rings a bell with you? Do you know what this witness means
24 with "bad or uncivilised cooperative chairpersons"?

25 A. It's difficult for me to mention or to give a definition to

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1 this word because it was based on a case by case. I don't know
2 the real case in which cooperative, in which village it was. So
3 it's difficult for me to respond to your question.

4 Q. Do you know or do you remember whether, for instance, in
5 "Revolutionary Flags", there were directives on -- directives to
6 cadres as to how to behave toward the people?

7 A. The "Revolutionary Flag", I saw it but I forget those
8 instructions because it has been more than 30 years now. But
9 there was -- there were instructions during the study session
10 that the cadre should do good thing for the people, the cadre
11 should try to work hard to provide food, shelter for the people.
12 Those study session were held at the zone office or at the sector
13 office. Sometimes it was organised in Phnom Penh.

14 [13.40.48]

15 Q. And do you remember or do you know whether the general policy
16 was to sanction or to punish disciplinarily cadres who acted
17 badly toward the people?

18 A. I do not recall this.

19 Q. Very well. I will move to another subject -- another excerpt
20 from this particular witness. It's her statement. This topic has
21 been discussed already previously in the last days. But
22 nevertheless, I would like to revisit it. And these are her
23 answers to questions 147, 148, and 151, and 152. So again, I will
24 read these excerpts to you. I see that --

25 MR. PRESIDENT:

1 Duty counsel doesn't have the document. Court officer is
2 instructed to bring the document from the counsel and hand it
3 over to duty counsel.

4 [13.42.27]

5 BY MR. KOPPE:

6 Counsel, 147, I would like to start with.

7 Q. So again, Mr. Witness, this is a topic being discussed but I
8 want to read to you the exact passage -- excerpt from her
9 statement.

10 Question 147: "What were the minor crimes and what were the
11 serious crimes?"

12 Answer: "The cooperative chairperson whom I talked about who had
13 stolen a little food to eat was regarded as a minor criminal. The
14 ones who stole pottery that had been collected to be stored were
15 also deemed minor criminals. But the ones who damaged materials,
16 walked around to entice others and impact Angkar by words, or
17 opposed Angkar or used trickery were regarded as serious
18 criminals. Rape of other people's wife was also considered a
19 serious crime because they all were arrested and sent to be
20 re-educated. All that was only in the base under my supervision."

21 [13.43.45]

22 Question: "In that regime, everything was communal property and
23 opposed private ownership. Theft of supplies of small amounts to
24 eat was a minor crime. Were those acts against the Revolution?"

25 Answer: "I would like to inform you that, firstly, theft, due to

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1 hunger, was a minor crime. Secondly, frequent theft, which was
2 more serious, was reported to me by the lower level".

3 And finally Mr. Witness, Question 151, the answer to the question
4 -- the question is as follows: "You specified two types of minor
5 and serious crimes and serious crime included sexual rape. In
6 terms of punishment, how were the victims and perpetrators
7 punished?"

8 Answer 151: "The victim was not punished, only the rapist was
9 punished."

10 [13.44.50]

11 Question -- final question: "When we talk about the term 'rape'
12 -- that is, the act of forcing someone by violence to have sexual
13 intercourse, did you mean this?"

14 Answer: "Yes. In cases of a man raping a woman and the woman did
15 not consent, the man was punished while the woman was not."

16 Now Mr. Witness, my first and general questions is: Do you agree
17 with these excerpts from the witness' statement?

18 MR. NEANG OUCH:

19 A. I agree to the excerpt you have just read to me.

20 Q. To be more specific, when she said theft due to hunger was a
21 minor crime, that is something that you agree to?

22 A. This is a minor crime.

23 Q. And is it correct that rape - no, let me rephrase. Was rape
24 always considered to be a serious crime in the DK period?

25 A. Rape by force where a woman without any consent from a woman,

1 it was a serious crime.

2 [13.47.08]

3 Q. And to your knowledge, to your recollections -- recollection,
4 were perpetrators of rape arrested in the DK period?

5 A. Yes. There were an arrest and they were re-educated based on
6 their level.

7 Q. Thank you, Mr. Witness. I would like to move on now to another
8 topic. And that is a passage and excerpt from your own statement.

9 MR. KOPPE:

10 Mr. President, that is E319115, question -- questions A103 until
11 A107.

12 Let me first ask you a general question after you have had a
13 chance to look at the questions and your answers. So it's A103 up
14 until A107.

15 MR. MOEURN SOVANN:

16 Mr. President, I did not receive all the documents from the
17 counsel.

18 MR. PRESIDENT:

19 Mr. Koppe, could you provide the documents with all pages, but
20 the one that you gave to the duty counsel miss some pages.

21 [13.49.37]

22 MR. KOPPE:

23 Mr. President, this is his own statement so I think he should
24 have it because we were referring to it quite a bit yesterday and
25 the day before yesterday. It's a statement of this witness,

1 E319.1.15.

2 MR. PRESIDENT:

3 Court officer, please review the document together with the duty
4 counsel to see if there's certain pages missing from the document
5 as indicated by the duty counsel.

6 Yes, you should use another copy instead of the previous one.

7 MR. KOPPE:

8 Counsel, it's 103 to 107.

9 (Short pause)

10 [13.51.15]

11 BY MR. KOPPE:

12 Q. Mr. Witness, the questions and your answers are relating to Ta
13 Sy or Chou Chet. Can you tell the Court in general what do you
14 remember of Sy -- Ta Sy or Chou Chet?

15 MR. NEANG OUCH:

16 A. I remember in 1970, the United Front assigned me as a member
17 of the FUNK movement in Tram Kak district. It was just for a few
18 months. I don't remember well. I don't remember the number of
19 months. And then, I was called to Pis Mountain, to the north of
20 National Road Number 4 in Kampong Speu province. There I met with
21 Ta Sy, and I left Tram Kak to Pis Mountain. I spent for seven
22 days. I met Ta Sy and he told me to receive a task to be in
23 charge of education, to teach alphabet and letter in Takeo and
24 Kampong Speu and Kampot. And then I returned to Tram Kak district
25 in Takeo province. The duration when I left Tram Kak to Phnom --

1 Pis Mountain, and when I returned, it was a full month. And then,
2 I became sick after that. That's all I remember about my meeting
3 with Ta Sy.

4 [13.53.29]

5 Q. How well did you know Ta Sy? Did you have many conversations
6 with him? Did you meet him often? Can you tell a little bit more
7 about your relationship with Ta Sy or Chou Chet?

8 A. I haven't met him very often. And later I returned to Tram Kak
9 and later I did not meet him. So I don't know much what happened
10 and what did he do during that period.

11 Q. Do you know anything about Chou Chet's position toward
12 Vietnam?

13 A. I don't know about that.

14 Q. Do you know anything about a relation between Ta Sy, Chou Chet
15 and Ta Mok?

16 A. Ta Sy and Ta Mok were in the same zone committee, so they were
17 in the same zone committee.

18 Q. Do you remember when Ta Sy became the leader of the West Zone?

19 A. I don't remember this.

20 [13.55.42]

21 Q. Do you know Chou Chet's wife Im Naen?

22 A. I don't know a person by the name of Im Naen, but I heard his
23 wife was called Yeay Klei (phonetic).

24 Q. So Im Naen is not -- or is that another name of Chou Chet's
25 wife?

1 A. I don't know the individual by the name of Im Naen. But the
2 wife of Ta Sy was known as Yeay Klei (phonetic).

3 Q. Is one name maybe an alias -- revolutionary alias and the
4 other one isn't or you don't know?

5 A. I don't know about this.

6 Q. Do you know what happened to Chou Chet in 1978?

7 A. In 1978, I think it might be that Ta Sy became the Secretary
8 of the West Zone. And from the Zone Office of the West Zone to
9 Tram Kak, it is -- it was a far distance. And as you know well
10 during DK period, we had no telephone, and we don't have a radio
11 broadcast about everything like what we have now. So I didn't
12 know about that.

13 [13.58.32]

14 Q. Maybe I will refresh your memory, Mr. Witness.

15 Was Chou Chet executed in May '78?

16 A. I don't know.

17 Q. So you don't know at all Chou Chet's fate, is that your
18 answer?

19 A. Counsel, how could I know because he was in the West Zone? I
20 was at Tram Kak district. It was far away from each other. We had
21 no telephone communication, we had no television and there were
22 no broadcast about that incidence. Because I was a lower cadre,
23 how could I know? How could I respond to you for that question?

24 Q. Did you hear after 1979 what the fate was -- what the fate was
25 of Chou Chet? Do you know that he ended up in S-21?

1 A. After 1979, I fled into the jungle at the mountain area. How
2 could I obtain any information about that?

3 [14.00.40]

4 Q. Very well. I'll name a few names to you. People from Sector
5 13, and I would like to ask you if you have any knowledge of
6 possible relationship between these people and Chou Chet. My
7 first question is about Saom, the Secretary of Sector 13. Do you
8 have any idea whether there was a relation between Saom and Chou
9 Chet?

10 A. No, I did not know about the relationship of Ta Saom, the
11 Sector 13 Committee and Chou Chet. The last time I met Ta Saom,
12 it was at the current Khmer-Soviet Hospital when I got my knee
13 injured and that I had to be hospitalised for three months. And
14 at that time, he was also hospitalised because he had
15 tuberculosis. And after that, I never had any news from him.

16 Q. Do you know if there was any relation between Chou Chet and Ta
17 Keav?

18 A. No, I did not.

19 Q. Do you know if there's any relation between Chou Chet and
20 Moeun?

21 A. I did not know the person by the name of Moeun.

22 [14.02.54]

23 Q. Moeun, the younger brother of Neary Pov (phonetic), does that
24 ring a bell?

25 A. I did not know this woman, Neary Pov (phonetic).

1 Q. Do you know if there's any relation between Chou Chet and the
2 undersecretary of Sector 13, Penh?

3 A. I knew brother Penh. However, as to the contact or
4 relationship between him and Chou Chet, I had no knowledge of.

5 Q. I mentioned to you Ta Keav, Moeun, Saom, Penh, do you know
6 what happened to them in the DK period?

7 A. Allow me to clarify, as for Moeun, I did not know that person;
8 and as for Keav, I knew him and I saw him working in Tram Kak
9 district. In 1970, he had a small physical build and at that
10 time, he was working with Khom. And I lost contact with him by
11 the time I was transferred at the Kaoh Andaet district.

12 [14.05.04]

13 Q. To your knowledge, were -- was any of these persons that I
14 just mentioned arrested for -- had been accused of being a
15 traitor?

16 A. No, I did not and brother Penh, the undersecretary of Sector
17 13 fled to the forest. And later on, he died when he came out
18 from the forest. He died in Kampot province. He died from illness
19 and I even attended his funeral.

20 Q. So this means you also have no knowledge of these people being
21 potentially within Chou Chet's network; is that correct?

22 A. That is correct. I did not know -- I did not know the
23 relationship between these four individuals with Chou Chet. And
24 as I said early, I did not know Moeun. I knew Khieu and I knew
25 Penh, the Deputy Secretary of Sector 13, as I lived with him in

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1 Kaoh Andaet district. He went -- or he fled to the jungle in the
2 forest upon invasion by the Vietnamese troops. Later on, he died
3 in the area west of Phe (phonetic) river in Kampot province and I
4 attended his funeral as well.

5 [14.06.58]

6 Q. Okay, Mr. Witness. I will move on to another topic. What I
7 would like to do now is use the same as I did with the statements
8 of the female witness. This time, I would like to put to you some
9 answers in this witness' statement -- that is, E313.1.18, Mr.
10 President. I am looking at duty counsel whether he has that
11 statement, E313.1.18.

12 MR. PRESIDENT:

13 Duty Counsel, have you located the relevant document?

14 Does he have it, Court officer? It seems that the duty counsel
15 and the witness do not have the relevant document.

16 And Defence Counsel, can you provide the witness with a Khmer
17 version of the document?

18 MR. KOPPE:

19 I will, Mr. President, but in the meantime, I will just start
20 with my questions and I will read the answer and the question to
21 the witness and I will do it slowly, so he can follow. This
22 witness -- I don't think I can mention his name, can I? No?

23 [14.09.58]

24 MR. PRESIDENT:

25 And Counsel, you may write the name on a piece of paper and Court

1 officer can deliver that name to the witness. We shall conform to
2 the issue of confidentiality as imposed by the International
3 Co-Investigating Judge.

4 BY MR. KOPPE:

5 Q. So this is the witness that I'm speaking about, Mr. Witness.
6 In question 757, the Investigators asked this particular witness
7 the following question:

8 "To your knowledge, did Ta Mok receive orders directly from Pol
9 Pot or Son Sen alias Brother 89, the Chief of the General Staff?"

10 Answer: "Ta Mok received direct orders from Pol Pot."

11 [14.11.32]

12 Question: "What convinced you to believe that Ta Mok received
13 direct orders from Pol Pot?"

14 Answer: "Because Ta Mok was the second person to Pol Pot.

15 Organisationally, the first person was Pol Pot; the second one
16 was Nuon Chea and Ta Mok was the third person. But when receiving
17 orders, Ta Mok received direct orders from Pol Pot, not Nuon
18 Chea.

19 As for Son Sen, he was in the Central Committee of the Party, but
20 under Ta Mok. After finishing the purges in the four zones, Pol
21 Pot appointed Ta Mok as the Chief of the General Staff, superior
22 to Son Sen. It was an internal matter of the Party. When Ta Mok
23 was appointed, there was announcement on the radio, and Son Sen
24 continued his work under Ta Mok."

25 Mr. Witness, my question is whether you are able, to your

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1 knowledge, to give a reaction to this statement. Is that correct
2 what this witness is saying?

3 [14.12.52]

4 A. On the issue of the organisation structure, Pol Pot with his
5 alias as Brother Number One was the top person and that is
6 correct. And Ta Mok was likely the third top person, who received
7 direct orders from Pol Pot. Son Sen was in charge of the general
8 staff for the army. Later on, I did not have a full grasp of the
9 reshuffling of the structure -- that is, after the purges. I did
10 not know the details about Son Sen's position after that.

11 Q. There is another witness who testified earlier here who said
12 that Ta Mok was known as Brother Number Two. Is he correct or is
13 he not correct?

14 A. That is not correct. From the statement you read out, Ta Mok
15 was the third top person and it is also my understanding that Ta
16 Mok was the third top person.

17 Q. Okay, Mr. Witness, I will move on to the next excerpt from
18 this witness statement. And that is his answer to question 64.
19 The question is about plans being received from the upper echelon
20 and his answer is as follows:

21 "The meeting was held to receive work assignment. As for me, I
22 was assigned to work at a rubber plantation in Kampong Cham to
23 organise cooperatives there. Other people were assigned with
24 different tasks. During a meeting, Pol Pot said about betrayal in
25 the zones and it was also written on blackboards."

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1 [14.15.23]

2 Question: "You said that Pol Pot mentioned about betrayal in the
3 zones. Did Pol Pot say about purges in the zones and organising
4 new structures?"

5 Answer 65: "Pol Pot did not use the word 'purges'. He said that
6 'this zone is traitorous. I assign you, comrade, to go; you are
7 my right hand man, deal with it. Can you do it?' The leader said
8 like this."

9 My question: Do you know of such a meeting where Pol Pot
10 attended?

11 A. No, I did not as I did not attend such a meeting.

12 Q. Following up on this -- following up the question of Judge
13 Lavergne yesterday, you were speaking about a meeting of cadres
14 at which Nuon Chea attended and spoke. My question is: Do you
15 remember how many cadres were with you listening to the words of
16 Nuon Chea?

17 [14.16.48]

18 A. I cannot recall the number -- that is, the total number. As
19 for the Borei Keila building located to the north of Preah Put
20 Pagoda, that hall at the Borei Keila was fully packed. But I
21 cannot recall the exact number.

22 Q. But if you try to remember in your recollection, how many --
23 approximately how many cadres were listening to the speech of
24 Nuon Chea? Were it tens, were it hundreds, thousands?

25 A. It is my estimate that the number was around 100 or a few

1 less.

2 Q. Judge Lavergne tried yesterday to jog your memory in relation
3 to that meeting. Do you know whether, similar like Pol Pot in the
4 other meeting, Nuon Chea did not use the word "purges"?

5 A. I cannot recall it.

6 [14.18.56]

7 Q. Next question is also based on an excerpt of this witness.

8 Question 95: The witness is asked by the Investigating -- by the
9 Investigators, the following question:

10 "You said that Son Sen was under Ta Mok. To your knowledge, was
11 it possible that Ta Mok was the one who assigned Meas Muth as the
12 Division 2 Secretary?"

13 Answer: "I do not think so because the Central Committee in
14 charge of the military made the decision. The people in charge of
15 the military included Son Sen, Ta Mok, and Pol Pot. No single
16 person decided this matter; it was decided by all of them. I
17 would like to answer that I do not know the answer to this
18 question because I am not sure."

19 Mr. Witness, I can understand that you have no answer, but do you
20 know anything about the Military Committee within the Central
21 Committee?

22 A. No, I did not know about the Central Military Committee. What
23 I knew was that Son Sen was in charge of the general staff. As to
24 the number of his deputies, or members, I had no idea.

25 [14.20.52]

1 Q. Thank you, Mr. Witness. Now question 126 of this witness
2 statement, again I would like to read that statement to you -- or
3 that answer to you, and I would like to ask your reaction.

4 When I -- 126: "When I left for Kampong Cham, they remained in
5 the Sector Committee. One year before the Vietnamese invaded,
6 Saom was transferred to Phnom Penh and assigned as the Office
7 Chairman of the Ministry of Foreign Affairs."

8 Do you know if this is the Saom that I just mentioned when I
9 asked you the question if he had any relationship with Chou Chet?

10 A. Yes, that was him, that's Saom. But I did not know that he was
11 appointed to be in charge of an office at the Ministry of Foreign
12 Affairs. As I stated earlier, I saw him in July or August of '78
13 when he was hospitalised at the Khmer-Soviet Hospital.

14 Q. Just -- I'm not sure if I asked this before, but did you have
15 frequent contact with Saom?

16 A. When brother Saom was the Secretary of Sector in Takeo
17 province around 1970 or 1971, then I was transferred to Kaoh
18 Andaet district and I only met him roughly once every six months
19 at that time, and subsequently after 1975, I had a rather
20 frequent contact with him, mainly on a monthly basis, and my main
21 contact with him was on the matter of the study or training
22 sessions.

23 [14.23.40]

24 Q. How about in the period between '75 and '79 -- I'm not clear
25 on this -- did you see him and speak with him frequently between

1 '75 and '79?

2 A. I met him probably once a month, or once every two months,
3 during that period. From the period of 1975 to '77, I was at Kaoh
4 Andaet district so I did not meet him that frequently. I met him
5 during that period probably once every two months, or three
6 months. But after 1977, I met him at the hospital, as I stated
7 earlier.

8 Q. And is it correct that you never spoke to him about his
9 relationship with Chou Chet? Or that you don't know about any
10 relationship between him and Chou Chet?

11 A. I already responded to that question, that I did not know
12 about their relationship.

13 [14.25.26]

14 Q. You're right, Mr. Witness. Now I will move on to question 188
15 in this same witness statement. The witness in answer 188 is
16 referring to a document, and -- he answers in relation to a
17 question about this document: "I received an instruction letter
18 from Pol Pot in August 1978 to stop executing people. This letter
19 was issued to the public."

20 Do you remember anything about a letter from Pol Pot, a public
21 letter, ordering the executions to stop?

22 A. My apology; I cannot recall that.

23 Q. That's all right. My -- I think last question when it comes to
24 this particular witness, and that is about his answer in 244, you
25 briefly spoke about this already, but I would like to ask you a

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1 specific question. The witness is being asked:

2 "Do you know what happened to the Khmer Krom when they arrived in
3 Kirivong district?" 243.

4 And his answer, 244: "I was not worried about the Khmer Krom
5 because they were mistreated by the Vietnamese so they fled to
6 Cambodia."

7 And in his answer, 248, he says: "I think that those Khmer Krom
8 people left Vietnam because they were mistreated by the
9 Vietnamese and fled for help from Khmer people."

10 Do you know anything about Khmer Krom people fleeing Vietnam
11 because they were mistreated by the Vietnamese?

12 [14.27.59]

13 A. When Vietnamese troops entered Kampuchea, I fled to the
14 mountain and I came across the Khmer Krom people who were also
15 fleeing, and they were under the supervision of a man known as Ta
16 Prach (phonetic), but I did not know the exact number of Khmer
17 Krom in this group.

18 Q. Do you know anything about the mistreatment of Khmer Krom
19 people by the Vietnamese in 1975 or before, or 1976, 1977?

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

21 Q. Mr. Witness, in a report on the visit of the Japanese
22 Friendship Association delegation -- that is, E3/294; English,
23 ERN 00170173 -- I will follow up, Mr. President, with the French
24 and the Khmer ERN. And in relation to this visit, I read the
25 following in the report on that visit. It says, in the second

1 paragraph of the first page of E3/294:

2 [14.30.14]

3 "In the Takeo sector, the friendly guests interviewed some Khmer
4 Krom compatriots who were victims of Vietnamese persecution and
5 suppression and who have taken refuge in Kirivong district. The
6 friendly visitors were shocked by the tales told by the Khmer
7 Krom compatriots about the massacres and the atrocities
8 perpetrated by the Vietnamese with the aim of exterminating the
9 Khmer race in the most fascist and savage manner."

10 I know, Mr. Witness, that you were not involved in receiving the
11 Japanese delegation, but do you know anything about this apparent
12 concern that was uttered to the Japanese delegation?

13 A. Since I did not meet them I didn't know anything about that.

14 [14.31.24]

15 Q. Well, the Japanese visitors were told that these apparent
16 atrocities occurred. You were in that commune, you had received
17 earlier delegations. So again my question is: Do you remember
18 anything about persecution by Vietnam of Khmer Krom and that
19 representatives of the DK were reporting this to foreign
20 visitors?

21 A. I already stated that I did not meet with this Japanese
22 delegation. I only met the Khmer Krom people when I was fleeing
23 to the mountains and those Khmer Krom people were under the
24 management of Ta Prach (phonetic). On the tragedy of the Khmer
25 Krom people, I did not witness it or hear it during the regime.

1 Q. Thank you, Mr. Witness. In the same document, DK
2 representatives speak to members of the Japanese delegation and
3 they, according to this report, told them that they oppose
4 hegemonism and that they oppose the Indochina Federation. That's
5 in the third paragraph of this document, E3/294. Mr. Witness,
6 what is the Indochina Federation?

7 A. I heard Ta Mok spoke about the Indochina Federation and that
8 it refers to the Federation amongst Vietnam, Laos and Kampuchea.
9 During the French colony, the French used the term "Indochine
10 Française", and it referred to this Indochina Federation that
11 encompassed the three countries: Vietnam, Laos and Kampuchea. Ta
12 Mok also stated that Vietnam wanted to reintegrate the three
13 countries and to make it become one.

14 [14.34.30]

15 Q. And did Ta Mok ever explain how Vietnam intended to achieve
16 this purpose?

17 A. Yes, he did give explanation on that. He explained to me and
18 to other cadres on the issue of the Indochina Federation.

19 Q. Do you remember his exact words?

20 A. It's been so many years so I cannot recall the exact words
21 that he spoke at the time.

22 Q. Do you know, or do you remember how Vietnam tried to achieve
23 the purpose or the goal of an Indochinese Federation? Do you
24 remember anything about that?

25 A. No, I cannot recall it.

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1 [14.36.12]

2 Q. Mr. Witness, I'm sure you've read "Revolutionary Flags"; I'm
3 sure you've listened to the radio of Democratic Kampuchea; don't
4 you remember anything what DK officials were saying at the time
5 about Vietnam's ambitions?

6 A. I listened to the radio and I read the "Revolutionary Flag"
7 magazines; I heard and I actually heard something similar to the
8 statement that you just read out. However, now I dare not want to
9 speak about this because lots of Vietnamese people are now living
10 in Cambodia.

11 Q. That is true. Mr. Witness, I will move to another subject.
12 It's also almost 20 minutes to 3.00. Mr. President, just to be
13 complete, the ERN number -- there are no French and Khmer ERN
14 numbers, I just -- so I would like to move to another subject.
15 But if you want to take the break now, then I am in your hands.

16 MR. PRESIDENT:

17 Thank you, Counsel, and since you will start a new topic, it is
18 now convenient to take a short break. We'll take a break now and
19 return at 3 o'clock.

20 And Court officer, please assist the witness during the break and
21 invite him, as well as his duty counsel back into the courtroom
22 at 3 o'clock.

23 The Court is now in recess.

24 (Court recesses from 1438H to 1501H)

25 MR. PRESIDENT:

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1 Please be seated. The Court is now back in session and before I
2 hand the floor to counsel Victor Koppe, the Chamber would like to
3 remind the defence teams that you have the rest of this afternoon
4 and one additional tomorrow morning session and that is all the
5 time allowed for the Defence. You can proceed, Counsel Koppe. And
6 Counsel Koppe, please arrange the time -- the combined time for
7 the defence teams with the Khieu Samphan defence team. Thank you.

8 [15.02.08]

9 BY MR. KOPPE:

10 Yes, Mr. President.

11 Mr. Witness, I have a few more topics that I would like to
12 discuss with you, but before I do that I would like to go back to
13 your very last answer before the break. I'm not quite sure if I
14 understand.

15 Q. Did you say that you were afraid to give answers on Vietnam's
16 policy because of what exactly?

17 MR. NEANG OUCH:

18 A. Counsel, please put your question again.

19 Q. You said something before the break, Mr. Witness, when I was
20 asking you questions about the Indochinese Federation and
21 Vietnam's ambitions and then you said something to the effect
22 that you were somehow afraid to speak about that because of the
23 fact that many Vietnamese lived in Kampuchea. Was that your
24 statement? And if yes, what exactly do you mean with that?

25 [15.04.00]

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1 A. I prefer not to talk in length about the ambition of Vietnam
2 because if I do so, then I would be concerned about my personal
3 safety. When I appear before this Court, my photo, my voice, my
4 video and the content of what I say are broadcast everywhere by
5 radio and television. Vietnamese people could hear it and listen
6 to it and people in Samlout and everywhere also can hear it and
7 listen to it. For that reason, and for my personal security, I
8 prefer not to talk at length on this issue.

9 Q. Also when I ask questions about Vietnam's policy 40 years ago?

10 A. I still have concern as I just stated.

11 [15.05.30]

12 Q. Very well, Mr. Witness, I move on to my new -- to my last
13 topics and one of my last topics is something that I would like
14 to discuss with you with the document E3/4093 in hands. That's
15 the document that we have been discussing today and yesterday at
16 length.

17 Mr. Duty Counsel, E3/4093.

18 And more specifically, I would like to ask you a question about
19 English page - English, ERN page 00831489; Khmer, 00270790; and
20 French, 00729676. This report is writing something about two
21 women, one is named Naichi, the wife of Seng.

22 MR. KOPPE:

23 I see that the witness still hasn't -- this one, I know, Mr.
24 President, he has in front of him. This is E3/4093. That's the
25 document with your signature. And then I would like to take you,

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1 Mr. Witness, to Khmer page that ends with 90. And the document
2 talks about two females: Naichi, the wife of Seng; and Phana. Are
3 you seeing it?

4 Mr. President, I have an extra copy.

5 [15.08.00]

6 MR. PRESIDENT:

7 Court officer, please take the document from the defence counsel
8 for the witness examination.

9 BY MR. KOPPE:

10 Q. So, like I said, Mr. Witness, I would like to draw your
11 attention to what is written in relation to Naichi and especially
12 the box that I made for you. It says, and I read the English
13 translation:

14 "This woman has contradictions with the revolution leading to
15 endless sorting out. Along with this, she constantly looks down
16 on the leading cadre. As for her activities, she pretends to be
17 crazy and endlessly steals everything. No matter how she is
18 educated, she refuses to refashion herself."

19 My question, Mr. Witness, is to the sentence -- about the
20 sentence "no matter how she is educated, she refuses to refashion
21 herself". Would you be able to say anything about the amount of
22 times attempts were made to re-educate or refashion people, in
23 general?

24 MR. NEANG OUCH:

25 A. As for the time period for re-education, usually it would last

1 for half a day.

2 [15.10.12]

3 Q. Would it happen that somebody was sent for re-education,
4 finished the re-education and then at one point in time came back
5 and was sent for re-education again, and again, and again?

6 A. On this issue that the person pretends to be crazy or was
7 believed to be crazy, then the re-education sessions could keep
8 continue.

9 Q. Would you be able to give an estimate as -- in general -- up
10 to how many times could somebody be sent for re-education?

11 A. They would use the period for the re-education sessions from
12 anywhere between two weeks to one month.

13 Q. So did it happen, that you know of, that somebody was sent for
14 re-education, came back and was sent for re-education again, but
15 then for a longer period of time? And then came back again and
16 was again sent for re-education?

17 A. I did not encounter that issue.

18 [15.12.40]

19 Q. Okay. Mr. Witness, when somebody was sent to re-education
20 Office 105, also known as Krang Ta Chan, do you know if
21 re-education was done there as well, and if yes, can you say
22 something about how long the re-education could last for people
23 who were sent to Krang Ta Chan?

24 A. I did not know about that, however, concerning the issue of
25 the woman in this document, she would probably be re-educated at

1 Meng's place at Angk Roka. I did not know what happened at the
2 Krang Ta Chan office.

3 Q. Why are you saying that she might be sent there rather than to
4 Krang Ta Chan?

5 A. This woman was involved in a minor offence and she would be --
6 she would likely be sent to the education place at Angk Roka --
7 that is, at the place where Meng was in charge.

8 [15.14.48]

9 Q. Thank you, Mr. Witness. As just mentioned by me before, Krang
10 Ta Chan was officially named Re-education Office 105. The title
11 of this office or centre would imply that people were sent there
12 for re-education. Do you know whether that was really the case or
13 was it -- or did the title not fit with the events or the things
14 that happened there? Can you say anything about the title of that
15 security centre?

16 A. It was named Re-education Office.

17 Q. So is it your testimony that the title of the office
18 accurately reflects what went on in Krang Ta Chan?

19 A. I did not know the details of the activities of what went on
20 at the Krang Ta Chan office.

21 Q. Do you know, Mr. Witness, whether people who were sent to
22 Krang Ta Chan were also interrogated about their alleged
23 activities?

24 A. They could be interrogated at that office.

25 Q. Did you ever read interrogation reports or were you ever

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1 informed about the contents of interrogation -- interrogations of
2 people who were sent there?

3 A. I never received such a report.

4 [15.18.22]

5 Q. Mr. Witness, there's testimony before this Chamber that would
6 imply that people were sent to Krang Ta Chan, Re-education Centre
7 105, without being interrogated and executed immediately. Do you
8 know anything about this?

9 A. Whether they ever interrogated or they were kept for quite
10 some times before they were interrogated, that's beyond my grasp
11 of what went on there.

12 Q. Thank you, Mr. Witness. I would like to ask you another
13 question about words being used within Democratic Kampuchea and I
14 would like to show you two reports -- two Tram Kak district
15 reports. The first one is E3/2453 and that is English ERN
16 00388586 and Khmer ERN 00270784.

17 MR. KOPPE:

18 I have a copy with the relevant page with me, Mr. President, so
19 maybe if you allow the Court officer to present this page from
20 E3/2453 to the witness and I would like to ask him a question.

21 [15.20.40]

22 MR. PRESIDENT:

23 Yes, you may do so.

24 BY MR. KOPPE:

25 Q. Mr. Witness, this seems to be a report from Nhaeng Nhang

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1 district and in the middle of that page, there's a sentence and I
2 would like to read that to you. It says, in English: "my analysis
3 is that they have plans to smash our Revolution." So it's in an
4 orange -- it's in the orange on the first page, Mr. Witness. It's
5 on the orange -- the orange colour. So my question is about the
6 sentence: "my analysis is that they have plans to smash our
7 Revolution". What does the word "smash" mean here?

8 MR. NEANG OUCH:

9 A. To "smash" here means to destroy.

10 Q. So it's another word than killing, is that what you're saying?

11 A. No, in this context it does not mean killing. It means to
12 destroy.

13 [15.22.48]

14 Q. I have one more example, Mr. Witness, that I would like to
15 show you.

16 MR. KOPPE:

17 Mr. President, this document is not on the interface so I'll be
18 slowly in putting it before the witness. It's E3/2053, the
19 English ERN is 00276578 and Khmer ERN is 00079122, and I would
20 like to ask your permission, Mr. President, to also present this
21 document to the witness. I also have it -- the paragraph coloured
22 for easier reference.

23 MR. KOUMJIAN:

24 Just for the record, to move things along, we have no objection.

25 MR. KOPPE:

1 Thank you Mr. Prosecutor.

2 [15.24.16]

3 MS. GUIRAUD:

4 For the record, we do have some reservations, so can the
5 colleague present the document to us so that we could read it
6 before he gives it to the witness? I think those were the rules
7 that we agreed to. So, could we therefore see the document before
8 the -- our colleague puts a question to the witness and provides
9 him with that document?

10 MR. KOPPE:

11 I just said very, very slowly the E3 number so I would imagine --
12 you can see the Prosecution being helpful so I think the Civil
13 Party Lead Co-Lawyer should be able to get this document on her
14 screen.

15 MS. GUIRAUD:

16 Let me ask the President for clarification regarding this issue.

17 (Judges deliberate)

18 [15.27.12]

19 MR. PRESIDENT:

20 On this issue, the Prosecution does not object to it, however,
21 the Lead Co-Lawyer for civil parties requests the document to be
22 presented by the defence counsel and in fact, the defence counsel
23 provided the document number already -- that is, E3/2053. How
24 much time does -- rather how much time do you need, the
25 International Lead Co-Lawyer for civil parties, for you to review

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1 this document before the defence counsel can continue putting
2 questions to this witness?

3 MS. GUIRAUD:

4 Thank you, Mr. President. Of course, we have uploaded the
5 document in the meantime, but it's simply a problem of principle
6 -- the principles of adversarial hearings. That is to say that
7 parties should be notified in advance of parties (sic) that are
8 going to be used during the hearings, so all we need is a few
9 minutes to be notified so that we can upload it and then the
10 document can be presented to the witness. We're only asking for
11 that -- for a few minutes that we took advantage of when you were
12 deliberating but I think, however, we should respect the rules,
13 and everyone should.

14 [15.29.05]

15 MR. PRESIDENT:

16 Thank you. And when Counsel Koppe made an announcement that the
17 document was not uploaded on the interface and the Chamber, of
18 course, considered that because the document is only two pages
19 and for that reason, we grant the defence counsel to do it and to
20 proceed. And of course, we wish to implement the instructions
21 that we set for all the Parties in terms of uploading the
22 documents on the interface. And in the case that you failed to do
23 so, you need to provide the reason to the Chamber and ask for the
24 Chamber's leave before you can proceed with the reference to that
25 document. And in this instance, even the Co-Prosecutor does not

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1 object to it and for the Lead Co-Lawyer for civil parties, you
2 also do not object to it but rather to remind the Parties and the
3 Chamber on the principle of uploading the document onto the
4 interface.

5 [15.30.41]

6 And of course, Counsel Koppe, please try to follow the
7 instructions and to upload the documents that you intend to use
8 onto the interface as instructed by the Chamber.

9 And Counsel Koppe, in fact, you can proceed, but before that, you
10 are reminded that you have half an hour this afternoon and
11 tomorrow morning only one session, that is starting from 9
12 o'clock until the short break, not the full morning sessions.

13 MR. KOPPE:

14 Thank you -- thank you, Mr. President. Just to clarify, this is a
15 typical document that came up at the second day of questioning by
16 the Prosecution, so sometimes things come up and that's why I
17 would like to use this document. It's impossible to always know
18 in advance exactly what we are trying to ask --

19 JUDGE FENZ:

20 The idea is to follow procedures. We have acknowledged that this
21 might happen and we have established a procedure.

22 [15.31.48]

23 MR. KOPPE:

24 Yes, yes. So Mr. Witness, I would like to show you, and with the
25 permission of the President, I will bring that to you or have

1 that brought to you -- E3/2053. And I would like to ask you to
2 have a look at the sentence that I coloured in orange.

3 MR. PRESIDENT:

4 Your request is granted, Counsel.

5 [15.32.35]

6 BY MR. KOPPE:

7 Mr. Witness, this is a report currently from Trapeang Thum south
8 cooperative and I would like you to have a look at English, ERN
9 00276578; and you have in front of you the Khmer ERN, which I
10 don't have now. In the middle -- or in the third paragraph of
11 this report, it says as follows: "Their plans are as follows" --
12 and the plans -- the document is talking about four people who
13 are having plans. It says: "Number 1: Their five-year plan is to
14 ensure the smashing of the cooperatives. If they cannot destroy
15 them in five years, then seven years, and if they still cannot
16 smash them, they have further plans to do whatever is necessary
17 to wear down the cooperatives and to absolutely oppose communal
18 dining."

19 Q. My question is a very simple and short one. The word "smash" -
20 "komtech" (phonetic) - is being used here as well; can you tell
21 us if you know what the word "smash" means here?

22 MR. NEANG OUCH:

23 A. Smash here means to damage or to destroy the cooperative.

24 [15.34.15]

25 Q. Thank you, Mr. Witness. My final subject is the following --

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1 that's your position in relation to teaching. You, as I
2 understand, held a position in respect of education, both before
3 DK and maybe also during DK. Can you tell the Chamber what was
4 the general purpose of education within DK? What were the aims of
5 the CPK in relation to education of the people? Are you able to
6 tell us something in general about these objectives?

7 A. Counsel, could you ask me more specific. Are you referring to
8 teaching or any -- or education to which group of people?

9 Q. I'll be more specific. My question is what were -- what was
10 the purpose -- what were the objectives during the DK regime in
11 respect of education of children, small children, older children,
12 students? What did the DK authorities envisage? What did they try
13 to achieve in terms of education?

14 [15.36.12]

15 A. For children, the main purpose of teaching was to teach them
16 how to write, to read. The second purpose was to educate them to
17 love the Revolution and Democratic Kampuchea and to work hard and
18 to do the labour or any work for a progress in their village,
19 commune and cooperative. And there were other purpose, including
20 to make those children to have good morality, to be humble, to be
21 gentle, and to give up the character as a person of hooligan or
22 rude person. That's all I can tell you.

23 Q. So was it the objective of the DK regime to organise primary
24 education to small children, secondary education to older
25 children, and also to create universities? In other words, was

1 one of the purposes, as you remember, of the DK to educate people
2 -- educate students, mathematics, languages, et cetera?

3 A. During the time when I was at Tram Kak, there was a teaching
4 programme for the children and also the teaching of alphabet,
5 reading and also some arithmetic but there was no foreign
6 language as part of the teaching. And there was also geography as
7 part of the curriculum so when children were at the third or the
8 fourth grade, there were geography classes and there were
9 textbooks - students' books, including part of Khmer literature
10 and mathematics but we don't have foreign language as part of our
11 programme during the time. But when people fled to the border
12 area, there were programmes including foreign language, including
13 English language and Thai language, which is operated or taught
14 by the DK after 1979.

15 [15.39.53]

16 Q. Are you in a position, Mr. Witness, to say something in
17 general about the position of teachers in DK? Were there many
18 teachers or were you actively looking for teachers to teach the
19 children? What can you tell us about the position of teachers
20 within DK?

21 A. Most of the time, the teachers at Tram Kak were women
22 teachers, and the training and education were about technical on
23 psychology and also teaching methods were trained to those
24 teachers. And the training session would be organized every month
25 or every three months.

1 Q. When you were a teacher in the DK period, was that a reason to
2 be fearful? Were teachers being threatened in the DK period?

3 A. One of the answers indicating that I was a teacher, I was in
4 charge of 105 teachers but, in fact, I was not in charge of this
5 matter. But, as teachers at Tram Kak, we were not fearful of
6 anything. Everyone would do their job at their cooperative as
7 usual.

8 [15.42.20]

9 Q. Now, Mr. Witness, it seems that also after '79, you stayed
10 active in education. I would like to read to you your answer to
11 Question 102 and I would like to ask you to give some more
12 details on this. The question of the Investigators is as follows:

13 "You are now living in Samlout. Do you hold any position in any
14 party or in the civil service?" And your answer is: "No, the
15 Khmer Rouge called me to Samlout in 1995 and I was assigned to
16 take charge of education in Samlout. When there was the
17 integration programme in 1996, the government led by Hun Sen
18 assigned me to be chairman of education, youth and sports of
19 Samlout district."

20 Is that answer indeed what you told the Investigators?

21 [15.43.30]

22 A. Yes, this is correct. In 1995, I was called by Democratic
23 Kampuchea to live in Samlout and I was assigned as a person who
24 is in charge of education, but now we can say education for youth
25 and sport in Samlout district, and later in the reintegration

1 into the government. The government assigned me as the chief of
2 the department of youth and sport education for Samlout district.
3 And after the 5th and 6th of July 1997, I fled to live in a camp
4 in Thailand. And when I returned in 1998 or 1999, I was removed
5 from my position as the chief of the department of youth and
6 sport for Samlout. That's all.

7 Q. Thank you, Mr. Witness. Are you able to make a comparison as
8 to the state of education in Cambodia '96/'97 and the state of
9 education in general within the DK period? Can you make a
10 comparison? Were there differences or were there many things the
11 same? It's a difficult question, but I hope you will be able to
12 answer this question.

13 A. During Democratic Kampuchea period before the integration into
14 the current government and before the current government took
15 control of the education matter, it's my apology, Counsel, I am
16 not well aware of this matter. But when I arrived in Samlout in
17 1995, the education, the teaching and programme for students at
18 Samlout is much better. They were both in the morning and in the
19 afternoon.

20 [15.46.47]

21 MR. PRESIDENT:

22 Counsel and Witness, you seem to go beyond the scope of the
23 question, because the question focused on - for you to make a
24 comparison between the education during the DK period and after
25 that during the time when you were in Samlout.

1 MR. NEANG OUCH:

2 A. Yes, my comparison of the DK education and the education
3 during 1996, the education during DK period was focused on
4 textbook and better material and also the same for the education
5 in 1996. But the education during 1995 and 1996 is better,
6 because we had a school building and good classrooms. But back in
7 the DK period, the school building were not appropriate.
8 Sometime, we taught student under a tree. But I can tell you only
9 what happened in Samlout in 1995 and 1996. It was much better
10 than the education back in the DK era. I was in charge of the
11 department of youth and sport. I would invite all teachers every
12 month to give them additional training for improvement. That's
13 all I can tell you, Mr. Counsel.

14 [15.48.53]

15 BY MR. KOPPE:

16 Q. My last question on the situation of education in DK: Are you
17 able to tell us what the effects were of the civil war, the war
18 of liberation that lasted between 1970 -- or 1968 and 1975? Did
19 the war have an impact on education, in terms of destruction of
20 school buildings, et cetera?

21 MR. NEANG OUCH:

22 A. The war from -- are you asking me from 1970 to 1975?

23 Q. As you know, as we all know, Mr. Witness, there was a long
24 civil war up until 1975. My question is whether you can say
25 something about the effects of the war on education, on school

1 buildings, on organization, et cetera.

2 [15.50.12]

3 A. The war from 1970 to 1975, it was a five-year war. It had a
4 great impact on the school building, pagoda and other buildings,
5 and the students and children had no chance to get to study in
6 the building. But they had to get their study and education under
7 tree and different places which was not appropriate. So the
8 impact of the war was great in extent. This is what I experienced
9 in Takeo province. I cannot say for other provinces.

10 Q. My last question, Mr. Witness: Was it the purpose of DK to
11 rebuild the education as quickly as possible and to repair the
12 destruction that the war had cost? Is that what the purpose was,
13 in terms of education in DK?

14 A. After the end of the five-year war, DK had a great purpose for
15 improving education. We try our best to build school buildings
16 and to call more student and pupil to go to school, and we gave
17 training to teacher about methodology. These are the purposes of
18 DK at the time. And there were other main purpose of the
19 Democratic Kampuchea in the education. So, that's all I can tell
20 you, in summary, Mr. Counsel.

21 [15.52.42]

22 MR. KOPPE:

23 Thank you very much, Mr. Witness. Thank you, Mr. President.

24 MR. PRESIDENT:

25 We have limited time, but we need to proceed with our task that

1 the Chamber informed the Party this morning, especially the
2 request by OCP, document D309/7. This afternoon, the defence
3 counsel for Nuon Chea had indicated clearly on this matter, and
4 the Chamber would like to hear from you in response to the
5 request by the Co-Prosecutor regarding the new witness, the
6 document E319/7, my correction.

7 To Mr. Defence Counsel for Mr. Khieu Samphan, the Chamber
8 obtained the oral submission from the defence counsel for Mr.
9 Nuon Chea, but we would like now to hear from the defence counsel
10 for Mr. Khieu Samphan.

11 [15.54.21]

12 MR. VERCKEN:

13 Mr. President, as regards the merits of the question that has
14 been asked, the written statement of this person has been
15 referred to a lot and used during these proceedings, so we
16 therefore do not object to the summoning of this person to appear
17 before this Chamber, because we are very much attached to Rule
18 84, which has to do with respect for adversarial proceedings. If
19 you, indeed, decide to call the witness to appear before the
20 Chamber, it would nevertheless be necessary for you to give us
21 the time to read all the documents in the folder taken from Cases
22 003 and 004, as forwarded to us by the Prosecution. This is a
23 huge volume of documents, not only to read, but also to analyse.

24 [15.55.40]

25 There are probably other witnesses who address the same issues as

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1 those addressed by the witness before the Chamber today. In order
2 to properly cross-examine that witness, it is, of course,
3 important for us to take cognizance not only of the statements by
4 this witness, but all other statements that have been placed on
5 the record by the Prosecution and which may deal with the same
6 subject.

7 Still with regard to these questions, let me point out that on
8 Thursday afternoon, when we had the Trial Management Meeting on
9 the subject of the 16 folders served by the prosecutor would also
10 ask for additional time to work on those documents, to analyse
11 them and to study them and to look at those depositions. The
12 following day, the Senior Legal Officer also disclosed documents
13 and we would like the Chamber to clarify some matters. Because,
14 in the mail, it is indicated that we will not postpone the
15 appearance of this witness before us, because the application was
16 made too late and that the person is elderly and lives far from
17 Phnom Penh. It is also said that TCW-248 would appear before this
18 Chamber, but it is not explained why that witness is maintained
19 on the list. I do not know whether the lack of an explanation
20 shows that it is all the parties - all the applications made by
21 the Parties were denied and that the Chamber -- who is appearing
22 before us would appear all the same and that the next witness
23 would also appear before the Chamber, even though no explanations
24 have been provided.

25 [15.58.33]

1 Be that as it may, I do not know the position of the Chamber
2 regarding the application made during the Trial Management
3 Meeting. I have not failed to note, like everyone else here, that
4 in the memorandum you disclosed the next day regarding the
5 schedule of hearings, you said that the Parties could avail
6 themselves of the time during which the Chamber would not be
7 sitting to study all those documents and to look at all the
8 various pieces of evidence or elements. But I believe that you
9 are referring to the 16 folders. Regarding those folders, let me
10 point out again that we need six weeks, not only to read those
11 documents, but to analyse them.

12 [15.59.50]

13 To conclude, I would like to point out that the defence of Khieu
14 Samphan, in the face of this situation we face today, we wish to
15 reiterate the practice that was adopted in the first trial,
16 notably that your Chamber had decided while we were drafting our
17 closing arguments that it considered that approximately 1,500
18 written statements had been placed on the record in lieu of
19 testimony. And this decision is, of course, being grounds of
20 appeals we raised regarding your first judgement. I, of course,
21 understand that you've noted that since Cases 003 and 004 are
22 still being investigated, you are not in a position to master the
23 flows of future documents and any documents related to those two
24 cases. I understand that such a position is not tenable. To my
25 mind, as part of a fair trial, by bringing up all these new

1 documents, you should spell a rule which is chronological by
2 giving a date --

3 MR. PRESIDENT:

4 We allowed you the floor last time to speak on this issue, but
5 you did not participate in that meeting. And today we only have a
6 very brief moment and the main focus is on the submission by the
7 Office of the Co-Prosecutors in document E319/7, that is to hear
8 a new witness. Luckily, it was just one witness. So, it seems
9 that you only reiterated the issues and the submissions made by
10 other parties during the Trial Management Meeting that was held
11 last time.

12 [16.02.51]

13 Secondly, on the issue of witness 2-TCW-948, it is not a subject
14 to the request by Nuon Chea's defence. Nuon Chea's defence only
15 raised the issues concerning two witnesses only, that is
16 2-TCW-803 and 809. The Chamber considers the matter and also
17 notified the Parties due to the long distance of travelling of
18 this particular witness and that was reiterated in a report by
19 WESU, who urged the Chamber to continue to hear the testimony of
20 this person as it takes several days for the traveling to and
21 from his residence. And also that was the point that was raised
22 by Nuon Chea himself.

23 [16.03.51]

24 So, I don't think that the time the Chamber give to you, you make
25 your submissions regarding the OCP request in the document

1 E319/7, and rather you raised many other points out of this
2 subject matter and which had already been addressed during the
3 TMM meeting. If you have any submission to make regarding
4 document E319/7, you may continue. Otherwise, you will not be
5 allowed the floor, as we still have another party to provide
6 their oral submission on this matter, and we are even now running
7 out of time.

8 And, in fact, after we listened to the Parties during the TMM, we
9 deliberated most of the Judges of the Trial Chamber and, at
10 present, we are in the process of issuing our decision. As this
11 matter is also complicated, dealing with the International
12 Co-Investigating Judge and the works that he's doing right now,
13 we are in the consultation and discussion with the International
14 Co-Investigating Judge on the relaxation of certain restrictions
15 on the documents, but so far we haven't got any result yet. And,
16 in fact, this morning, we were five minutes late. We were waiting
17 for the response from the International Co-Investigating Judge on
18 this very issue so we can use it -- or incorporate it in our
19 decision. And if, of course, we cannot make a decision on this
20 issue, then additional TMM will be scheduled.

21 [16.06.05]

22 However, there was no need, since TMM was held and we are in the
23 process of making our decision. And all Parties did not oppose to
24 the disclosure of documents by the Prosecution, as it conforms
25 with the practice of other international tribunals. If you have

1 any observations or submissions to make regarding document
2 E319/7, you may proceed. Otherwise, the floor will not be given
3 to you, as the matters you had raised were dealt with in the last
4 TMM.

5 MR. VERCKEN:

6 Mr. President, I simply was underscoring the reasons why --

7 MR. PRESIDENT:

8 The matters were raised during the TMM, but you did not avail
9 yourself to attend the TMM.

10 MR. VERCKEN:

11 Yes, but I do read transcripts, and I read the transcripts this
12 time.

13 [16.07.32]

14 MR. PRESIDENT:

15 Of course, you read the transcript, but the time allowed to your
16 team to make observations on this E319/7 is expired. Please be
17 seated.

18 And now, the Lead Co-Lawyer for civil parties, if you have any
19 oral submission to make regarding the request by OCP in reference
20 to document E319/7, you may proceed.

21 MS. GUIRAUD:

22 Thank you, Mr. President. We have no objections for having this
23 witness proposed by the Co-Prosecutors' appear.

24 MR. PRESIDENT:

25 Thank you. The Chamber will adjourn the proceedings now and will

1 resume tomorrow morning -- that is, Thursday, 12 March 2015,
2 commencing from 9 o'clock in the morning. And tomorrow, the
3 Chamber will hear the remainder of the testimony of the witness
4 Neang Ouch. This information is for the relevant Parties and for
5 the public.

6 Mr. Neang Ouch, the Chamber is grateful of your presence and
7 testimony. However, it is not yet concluded and you are therefore
8 invited to return to the Chamber tomorrow morning, starting from
9 9 o'clock. And It is likely that your testimony will conclude in
10 less than two hours tomorrow and you may then return to your
11 residence.

12 [16.09.12]

13 Court officer, in cooperation with WESU, please make necessary
14 transportation arrangements for Neang Ouch and the reserved
15 witness -- that is, 2-TCW-948, to return to their residence, and
16 invite them both to the Chamber before 9 o'clock.

17 Likewise, duty counsel, Moeurn Sovann, you are invited to return
18 tomorrow morning to assist the witness during the hearing of the
19 remainder of this witness testimony, as well as the testimony of
20 the reserved witness.

21 Security personnel, you are instructed to take the two Accused,
22 Nuon Chea and Khieu Samphan, back to the detention facility of
23 the ECCC and have them returned to participate in the proceedings
24 tomorrow morning prior to 9 o'clock.

25 The Court is now adjourned.

1 (Court adjourns at 1610H)

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