



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

27 August 2012

Trial Day 102

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

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Trial Chamber Greffiers/Legal Officers:

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. EM OEUN (TCCP-28)	Khmer
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. SON ARUN	Khmer

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

2 (Court opens at 0903H)

3 THE GREFFIER:

4 (No interpretation)

5 MR. PRESIDENT:

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

7 During today's session, the Chamber continues to hear testimony
8 of Civil Party Em Oeun, questions continued to be put by the
9 Prosecution.

10 Before we hand over to the Prosecution, the greffier of the Trial
11 Chamber, Mr. Dav Ansan is now instructed to report to the Chamber
12 on the attendance -- status of the parties to the proceedings.

13 THE GREFFIER:

14 Good morning, Mr. President, Your Honours. All parties to the
15 proceedings are all present, except Mr. Ieng Sary, who is
16 present, but in his holding cell. Mr. Ieng Sary, through his
17 counsels, asks to be excused from this Chamber - in the court
18 proceedings for the whole day. His waiver has already been
19 submitted to the Chamber, through the greffier.

20 With regard to TCW-480, the witness is before - at the Chamber
21 and taking an oath.

22 [09.05.28]

23 MR. PRESIDENT:

24 The Chamber notes the request by Mr. Ieng Sary through his
25 counsel, on the 27th of August 2012. Mr. Ieng Sary has asked that

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1 he be allowed to observe the proceedings from his holding cell.
2 Dr. Lim Sivutha, who is the medical doctor on duty at detention
3 facility and who examined Mr. Ieng Sary health status, indicated
4 that Mr. Ieng Sary is fatigued and has a low back pain and asks
5 the Chamber to allow him to observe the proceedings from his
6 holding cell.

7 The Chamber notes that Mr. Ieng Sary, for the time being, has
8 waived his right to participate directly in the courtroom due to
9 his health concern. However, the Chamber also notes from the
10 medical advice from the doctor that Mr. Ieng Sary is mentally
11 able to observe the proceedings if allowed to observe the
12 proceedings from his holding cell.

13 The Chamber, therefore, grants the request. Mr. Ieng Sary is now
14 permitted to observe the proceedings from his holding cell
15 through the audio-visual link for the entire day hearing.

16 The AV booth officials are now instructed to ensure that the AV
17 equipment is well linked to the holding cell so that Mr. Ieng
18 Sary can observe the proceedings from there.

19 [09.07.24]

20 Next, we would like to hand over to the Prosecution to proceed
21 with the remaining of the questions to the civil party.

22 And before that, the Chamber wishes to also remind Prosecution
23 and other relevant parties to the proceedings that, before
24 putting questions to the - to the civil party, parties should be
25 mindful of the question - or the subject matters that are

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1 relevant to the segment of the trial, which is Case File 002/01.
2 Please try your best to refrain from straying away from the
3 confined subject matters before us. And we hope that by doing so,
4 we will expedite the proceedings sufficiently.

5 The Co-Prosecutor, you may now proceed.

6 QUESTIONING BY MR. CHAN DARARASMEY:

7 Thank you, Mr. President. Thank you, Your Honours. Good morning
8 to everyone, and very good morning to Mr. Em Oeun. I am Chan
9 Dararasmey, from the Prosecution. I have a few questions to put
10 to you concerning the events before 1975; I'm talking about the
11 period before April 1975.

12 Q. Could you tell the Court, please, in which particular date you
13 joined the Revolution?

14 [09.09.17]

15 MR. EM OEUN:

16 A. Good morning. Your question -- concerning your question, I
17 think the response has already been made earlier on in my
18 testimony. I joined the Revolution when I was very young.

19 Q. Thank you. In the document, you indicate that you joined the
20 Revolution in 1969; is that correct? The document you stated
21 before the investigators.

22 A. Yes, it is.

23 Q. How did you know -- or what did know about the revolution - or
24 Revolutionary Movement?

25 A. I think I find it difficult to respond to this flow of

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1 questions because I need to be given more time to address this.

2 MR. PRESIDENT:

3 Counsel for Mr. Khieu Samphan, you're on your feet. You may
4 proceed.

5 [09.10.51]

6 MS. GUISSÉ:

7 Thank you, Mr. President. Good morning to you, and good morning
8 to the Judges and all parties. I'm on my feet because I seem to
9 understand from the prior question that the Co-Prosecutor was
10 referring to a document that was translated into French before
11 the Co-Investigating Judges, but it doesn't appear to be a French
12 translation of an interview with the Co-Investigating Judges with
13 Mr. Em Oeun.

14 So I do need some clarification on what document, precisely, is
15 being referred to.

16 MR. CHAN DARARASMEY:

17 I am now referring to D22/39.63. This is the Victim Information
18 Form rather than the statement before the Investigating Judges.

19 BY CHAN DARARASMEY:

20 Thank you, Mr. President. I would like to proceed to next
21 question.

22 [09.12.10]

23 Q. Mr. Witness, when you joined the Revolution in 1969, did you
24 still recollect the main activities in the Revolution? What kind
25 of activities did you do back then?

1 MR. EM OEUN:

2 A. I, as indicated, wish to talk more than – or at length to
3 respond to the question because it's rather broad. However, I
4 will be brief on the point that I recollect, but you may need to
5 specify your question to that particular area.

6 Q. With regard to the CPK, or Communist Party of Kampuchea, can
7 you tell the Chamber to the best of your collection –
8 recollection, what did you remember about this?

9 A. Good morning again. I wish to respond that, from the
10 beginning, so far as I know, the CPK started from the selection
11 of people who loved revolution or the "red doctrine", people who
12 believed to bring benefit to the Movement would then be selected.
13 And these individuals who could perform their task very well
14 would then be converted into the Progressive People – or in the
15 Progressive Movement.

16 Other people would be called the Progressive People, but there is
17 another step that they could also be converted to, but at that
18 time, I joined the Youth League Movement.

19 [09.14.38]

20 Q. You said that the Movement was established on the Communism --
21 or Communist ideology. Could you recall the purpose of this
22 establishment of the Movement?

23 A. I do not know what Communism was about or their purpose could
24 have been, but my understanding is that, at the beginning, I
25 could see that at the base, at every household, the community was

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1 established – the community to support the Movement was
2 established. Each household or family member could have
3 contributed a handful of rice grain placed in a bag and then put
4 in a bucket as a contribution.

5 Q. Did you join the Revolution voluntarily or were you compelled
6 to join the Communist Party and the Revolution?

7 A. At that time, no one compelled me to join the Revolution. My
8 father inspired me and asked me to ferry letters to help the
9 group. So that's how I became attached to the group.

10 [09.16.58]

11 Q. Did you ever see, meet or contact any of the leaders of the
12 CPK during the course of your work?

13 A. To be precise, I was very young at that time; I did not know
14 who was who. But I met some senior people through my work.
15 However, people did not show identity; they worked underground.

16 Q. Between 197 -- rather, 1969 to 1975, how many senior leaders
17 of the CPK had you ever met or worked with?

18 A. My father asked me to help work with the senior leaders. I
19 often met Mr. So Phim. I used to meet other individuals whom I
20 don't know.

21 Q. Where did you meet Mr. So Phim, and in which year?

22 A. As a messenger, I met him at his home and office, but they
23 were all in the jungle, mainly.

24 Q. What did Mr. So Phim talk to you about during those days?

25 A. Mr. So Phim in person talked to me, encouraged me to join the

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1 Revolution to free our class. I did not know what "class" was
2 about at that time, frankly.

3 Q. Did you know what Mr. So Phim was doing -- what was his
4 function?

5 [09.19.35]

6 A. I wish also to make it clear that I did not know what he did,
7 but he was believed to be attached to a section, for example
8 Section 10 or Section 20.

9 Q. When did you become member of the Youth League of the CPK?

10 A. I became a member of the Youth League of the CPK perhaps in
11 1973.

12 Q. Did you ever, eventually, become a member of the CPK?

13 A. I became the member of the CPK after 1975.

14 Q. After 1975 and you became the member of the Party, did you
15 become the member voluntarily or were you forced to become the
16 member of the CPK?

17 A. I became the member of the CPK voluntarily. However, I felt
18 that I was converted into member of the Party because they needed
19 me.

20 Q. I would like now to proceed to another topic, concerning the
21 CPK policy toward - on the Buddhism.

22 [09.21.36]

23 You said, between 1969 to the 17th of April 1975, you was in -
24 you were involved in the work, but did you observe whether the
25 CPK's policy was ever implemented? And how was it implemented

1 concerning religious belief?

2 A. I note that, during the CPK period, I was a Communist, and
3 every Communist was expected to do their best to combat
4 corruption. However, by 1972, there was no harsh treatment
5 against the religions, but after 1975, treatment of religion
6 became more difficult or more harsh, I may say - harsher.

7 Q. Concerning the treatment of religions, was there any kind of
8 written policy ever rendered - implemented, or was it merely
9 verbal?

10 A. In 1972, I did not see any particular document concerning the
11 treatment of religion, but I observed this through the sessions I
12 attended when leaders would say in the sessions that we should
13 never treat pagoda's affairs as the core tasks. So they even said
14 that monk was a waste because, if we had to dress the monk with
15 the robes, then we had to spend money, resources unwisely for
16 that - for those monks. So this is the languages I learnt
17 deriving from the leaders during the sessions.

18 [09.24.34]

19 Q. Did you know why religion was banned -- or Buddhism was
20 banned?

21 A. As indicated, I did not know the exact purpose of the policy,
22 but we were every now and then told that it was a waste to ordain
23 a person into monkhood.

24 Q. You said -- were you ever aware that follower -- or believing
25 in Buddhism was the kind of adversarial commitment?

1 A. In 1972, such thing didn't happen, but after 1972, the CPK had
2 an intention to oppose religion because they never valued the
3 importance of religion in the society.

4 MR. PRESIDENT:

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

6 MS. GUISSÉ:

7 I do apologize for interrupting once again, Mr. President. It's
8 again a question of the speed with which the two parties are
9 having their exchange. And, in French, we are always one step
10 behind the witness's answer, following the Co-Prosecutor's
11 question.

12 And I really must ask for a pause between the question and the
13 answer, or else the interpretation just falls behind. Thank you.

14 [09.26.37]

15 MR. PRESIDENT:

16 Thank you, Counsel.

17 The Chamber believes that the Chamber has informed parties time
18 and again, and we believe that it should be ample enough for
19 parties to be mindful of how to put questions to the witness or
20 civil party by observing some pauses.

21 And from now on, may the Chamber suggest that party who is
22 putting question to witness or civil party be very careful with
23 that.

24 And the Chamber wishes to also remind the Co-Prosecutor that the
25 religious persecution is not part of the segment of the trial

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1 proceedings. We are now discussing or examining the political
2 persecution (sic) and the evacuations of the population, phase 1
3 and phase 2. For that, the Chamber wishes to remind the
4 prosecutor to limit the questions to only the relevant subject
5 matters falling under Case File 002/1. The Chamber already stated
6 very clearly concerning the legal and factual background
7 concerning the crimes alleged to have been involved in the
8 Severance – the Severance Order.

9 [09.28.31]

10 During last week's sessions, we noted that the questions put by
11 the Lead Co-Lawyers for the civil party – Lead Co-Lawyer for the
12 civil party put some questions which were not falling within this
13 scope, and we didn't try to intervene. But this time, the
14 prosecutor should be mindful and -- not to do that.

15 MR. CHAN DARARASMEY:

16 Mr. President and Your Honours, in the Closing Order, there are
17 parts that religious matters also are involved. That's why I
18 intended to delve on that. However, I may move to the next topic,
19 which is about the medical affairs in Phnom Penh.

20 BY MR. CHAN DARARASMEY:

21 Q. Mr. Em Oeun, could you tell the Chamber, please, how long had
22 you been on training on medical matters in Phnom Penh?

23 MR. EM OEUN:

24 A. Yesterday (sic), I indicated that I went to Phnom Penh for one
25 year, but I attended the study session for only nine months,

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1 although the course expected to last 12 months.

2 Q. You said last week that you worked in Sector 20. What kind of
3 duties did you perform in the section?

4 [09.30.36]

5 A. When I was working in Sector 20, at the early stage I was the
6 youth as well as the physician. So that was the two main
7 responsibilities I had to hold: being a youth as well as the
8 general physician.

9 Q. How long did you work at Sector 20?

10 A. In Sector 20, as I mentioned, I actually started working there
11 from my early stage, but at that time I did not really understand
12 why I had to do this work, but the main motivation for me was to
13 serve the nation, but I did not actually pay attention to taking
14 note the time when I started the work. And -- so, if you ask me
15 to mention precisely how long I worked there, I had to speculate
16 on the period.

17 Q. I would like to now move on to the events that evolved - that
18 unfolded after April 1975.

19 When you were attending the training, the medical training course
20 at Russian Hospital, how many trainees were there?

21 [09.32.12]

22 A. Mr. President, I did not recall the number of trainees, but in
23 my estimation, there were up to 1,000 trainees -- and if there
24 were less, probably only a little less than 1,000 trainees.

25 Q. Where did the trainees come from? Did they come from every

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1 corner of the country?

2 A. Mr. President, in accordance with the principle laid down by
3 the Centre, they called those physicians from the sectors'
4 hospitals across the country to come to be trained. So they
5 actually invited the director or deputy director or people who
6 held technical section of the hospital from sectors and zones
7 across the country.

8 Q. Did the trainee acquire necessary medical skills before they
9 were invited to attend that particular training?

10 A. The 17 Hospital was known as the Party's hospital. It was the
11 17 April Hospital, and it was called the Party's hospital, and
12 those who were invited to come to attend the training were those
13 who were practising medical practice in the zones and sectors.

14 [09.34.38]

15 Q. How old were the trainees attending the training course in
16 question? What were the age range of those trainees?

17 A. In my estimation, they were between the age range of 20 and
18 above 20. They were all from 20 years of age and above and they
19 were practicing physicians. And normally they actually invited
20 youth from the Youth League across the country to attend the
21 training. That is all for my response to that question, Mr.
22 President.

23 Q. How was the recruitment conducted? In other words, did they
24 recruit the trainees from different classes - for example,
25 peasant class or middle class or so?

1 A. Through my own observation, there was no class segregation in
2 recruiting trainees, but normally those were the sons and
3 daughters of the cadres.

4 Q. Can you tell the Court the structure of that hospital
5 following the 17 of April 1975? I am talking about the
6 Khmer-Soviet Hospital, where you attended the training.

7 [09.36.48]

8 A. Well, I was not a hospital staff member; I was a trainee. I
9 came to attend the training. I did not really understand the
10 working organizational structure of the hospital.

11 Q. Who were the leaders in the organizational structure of the
12 hospital? And how many sections belonged to this hospital?

13 A. There were many sections subordinate to this hospital, but I
14 did not know exactly how many sections there were, but I can
15 recall the names of those sections.

16 Actually, it was divided principally based on the specialization.
17 They had surgery, they had gynaecology, dentistry-- So they also
18 divided into general treatment.

19 And as for the administrative buildings, there was one
20 administrative building designed for the Party members, cadres,
21 and the other building was meant for the - a place where the
22 trainees came to attend the training stayed.

23 Q. Can you tell the Court the names of those who were in the
24 management team of the hospital?

25 [09.39.00]

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1 A. To my knowledge, Madam Leng Sei -- Leng Sei was the director,
2 and Thiounn Thioeunn was the person whom others had to report to.
3 But as for others, there were many different sections -- for
4 example, sections for malaria, section for surgery - they had a
5 director for each section. So it was, of course, divided into
6 these specialized fields of medical treatment.

7 Q. What ministry did this hospital report to?

8 A. I actually learned it from the -- from the time when I was at
9 the base. Actually, this hospital was under the supervision of
10 Ministry of Social Affairs and Health.

11 Q. Can you expand a little bit further? Who was the minister with
12 the portfolio of Social Affairs? And who was the Minister of
13 Health? And who were the vice ministers or so in those
14 ministries?

15 A. Back then, Mr. President, I did not understand who was the
16 ministers and who were the vice ministers, but I understood that
17 the person who was the big boss was the Ministry of Social
18 Affairs.

19 [09.41.11]

20 And Mr. Thiounn Thioeunn was in charge of health affairs, and of
21 course, when we talk about health, we're talking about both the
22 medicines, pharmaceutical, and other medical affairs.

23 Q. So did you recognize who the Minister of Social Affairs was at
24 that time?

25 A. No, I didn't.

1 Q. Thank you.

2 When you were attending the medical training course at the
3 Khmer-Soviet Hospital, did you see any leaders come to speak to
4 the trainees throughout the training course you attended?

5 A. I was not clear as to who the leader was when they came to
6 talk to the students, but at that time I had the opportunity to
7 be sent to the political training session at Borei Keila. It was
8 about a month or two over there.

9 Q. Did you ever attend any meeting organized by the Khmer-Soviet
10 Hospital or Ministry of Social Affairs?

11 [09.43.16]

12 A. At the time, I never attended any meeting, and the reason
13 being -- was that I was engaged in studying and I was in charge
14 of the students' affairs as well. I was the president of the
15 students' group at the time, and I had a lot of things to do
16 myself, and I had to be vigilant of the activities I had to do.

17 Q. When you were attending the training course at that hospital,
18 did you ever hear the leaders who came to address to the students
19 and yourself when you were studying there?

20 A. One thing that I could still remember to date was that the
21 training was conducted based on different levels of participants.
22 At that time, I was the leader of the students, so my
23 responsibility was to enhance the students' participation in the
24 training, since they told us that what - we had to know what we
25 had to do and we had to be responsible for what we had to do. So,

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1 at the time, I did not bother to analyze the reasons for why I
2 had to do that, but the leaders at that time told us that we had
3 to mind our business and we had to be responsible for our
4 activities. For example, they told us that we had to - if we were
5 the doctors, we had to study medicine, and if we were also part
6 of the political teams, then we had to understand the political
7 lines.

8 [09.45.25]

9 So, at that time, I had to be vigilant on every step I had to
10 move, because I had to also answer to the Party as well.

11 Q. Thank you.

12 Did you know the training courses conducted at the Khmer-Soviet
13 Hospital - and who designed the curriculum for the training?

14 A. I would like to divide my answer in two parts: first, the
15 political training, and second part was the technical aspect of
16 the training. So these were the two aspects of the training back
17 then.

18 The first one, we provided training to students who were members
19 of the Party or members of the Youth League, and they had to
20 understand their roles in the Party and what the Communist
21 followers had to do, so we had to keep up with the political
22 trend of the country. So we had to follow the lines of "great
23 leap forward" of the Communism.

24 And as members of the Party, we had to bear certain
25 responsibility, and if we were medical doctors, we had certain

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1 responsibility to carry out. For example, they said we had to
2 cling to the Party lines. Whatever the Party said, whatever the
3 Party decided, we had to comply with that decision; we must not
4 protest.

5 [09.47.13]

6 Q. Thank you.

7 Last week, you said that there were instances of arrests of
8 people at Khmer-Soviet Hospital. Can you tell the Court whether
9 or not there was any information about the arrests of certain
10 individuals in that hospital? And if there was, what did they
11 discuss during those meetings?

12 A. I would like to respond to this question. I have to be
13 cautious of the fact that I must not step beside the boundary of
14 the current case.

15 At that time, what they told us was that we must not step beyond
16 our responsibilities. In other words, we had to be responsible
17 for our own tasks. And I also mentioned about my involvement in
18 the Party, and I knew some of the activities as well, and I also
19 witnessed certain - the arrests as well, and I also learned it
20 from the words of mouth. People had to, sometimes, talk to each
21 other secretly. But at that time we had to be very vigilant all
22 the time, that we had to obey the instruction of the Party, and I
23 did not dare to actually question the reason for the arrest of
24 those people.

25 Q. Thank you.

18

1 [09.49.09]

2 During the meetings you were attending, did you hear any
3 explanation for the arrest of the enemies of the Communist Party
4 of Kampuchea? In short, what did they say about the traitors,
5 about enemies of the Communist Party of Kampuchea in those
6 meetings?

7 A. My apologies; I was a bit hesitant to respond to the question.
8 It was not because I am afraid of answering the question, but I
9 had my personal problems with my mouth.

10 I actually heard about that when I was attending the political
11 training session held in Borei Keila.

12 Q. I would like to move on to the issue of enemies, the enemies
13 implication of individuals who were later arrested by the Party.
14 Did you know who ordered the arrest of medical doctors or
15 trainers at the Khmer-Soviet Hospital, where you attended the
16 training then?

17 [09.50.52]

18 A. Concerning the arrest of the people or the plan to arrest any
19 people, I did not know. I was not aware of that, but I witnessed
20 - I witnessed it.

21 Madam - Madam Leng Sei, who was the wife of Mr. Tiv Ol -- she was
22 the trainer - political trainer as well as the medical trainer -
23 and she was also a person in charge of that hospital. I learned
24 about the arrest through my own witness of the - of the arrest
25 itself as well as from my friends who talked to each other about

1 - about it.

2 Q. You said you witnessed the arrest of people at the hospital.
3 Did they put those people in the trucks or - how did they take
4 those people out? What were the means used to take them out of
5 the hospital's premise?

6 A. I would like to tell the Court about what I witnessed. Those
7 who came to arrest, they actually arrested people in the
8 hospital, and I did not know -- the people who were arrested, I
9 did not know whether or not they were students or medical staff
10 over there or students from the zones.

11 [09.52.37]

12 But what I witnessed was that they arrested both, medical doctors
13 as well as the trainees. They put those people who were arrested
14 in the truck which was already prepared outside the hospital
15 premise - not know where they took them to.

16 Q. Did you ever see Mr. Pol Pot, Ieng Sary, Nuon Chea or Khieu
17 Samphan when you were there?

18 A. Concerning those four people, I have met them, but very
19 briefly, when I was attending political trainings at Borei Keila.

20 Q. How about in the hospital? Did you see the presence of Mr.
21 Khieu Samphan, Nuon Chea, Khieu Samphan (sic) or Pol Pot? Did
22 they ever go to the hospital and address students in the training
23 course you were attending?

24 A. No. Over there, I never saw them in the hospital.

25 Q. Thank you. Can you expand a little bit further on this issue?

20

1 I would like to know whether or not there were trucks sent by
2 Ministry of Foreign -- Ministry of Social Affairs or Ministry of
3 Health, or the trucks belonged to the hospital itself. Did you
4 ever see that those trucks take those who were arrested away from
5 the hospital premise?

6 [09.54.59]

7 A. Actually, I never saw it by my own eyes, of the trucks taking
8 away those people who were arrested. And normally, you know, the
9 ambulance of the hospital is - was always closed -- we could not
10 see anything inside -- and I did not see other trucks outside the
11 hospital premise either.

12 Q. In your capacity as a general physician in Khmer-Soviet
13 Hospital, did you have to abide by certain policies or
14 instruction by the Party concerning your medical practice? In
15 other words, did the Party impose any instructions as to your
16 medical practice back then?

17 A. To be honest, I am not being -- I'm not taking side with
18 anyone, but when I was attending the training course at
19 Khmer-Soviet Hospital, in terms of technical training, there was
20 no lessons or lectures about torturing anyone or taking side with
21 anyone at all, because we, as the medical doctors, we had to be
22 neutral and we had to be generous to others. So that was what we
23 received in the training course, in a technical aspect.

24 [09.57.03]

25 Q. Can you tell the Court about the decision of the Communist

21

1 Party of Kampuchea or the senior leaders or middle level leaders
2 who handed down their decision to the people at the lower level?
3 Did people at the lower level have to abide by the decision or
4 could the people at the lower level resist against the order or
5 suggest any ideas at all to the decision already handed down by
6 the upper level?

7 A. I would like to tell the truth. I have repeated myself that I
8 have to tell the truth before this Court.

9 I heard the dictatorship - actually, I saw, I learn dictatorship
10 through activities, through what I saw by my own eyes rather than
11 I understood the term per se. At the time, I witnessed it myself.
12 And at that time, I - what the Party said was different from what
13 they did.

14 Now, for example, in Ministry of Health, they said we had to be
15 generous -- we had to be generous, as a medical doctors, to
16 patients, and they told us that we had to listen to the order of
17 the Party. Anyone who resisted the decision of the Party would be
18 considered traitor.

19 [09.59.02]

20 Q. Thank you.

21 According to the political line of the Communist Party of
22 Kampuchea, particularly the code of conduct of medical staff, did
23 the medical staff have to abide by whatever decision handed down
24 by the Party or the medical doctors has the freedom to exercise
25 of medical professions by medical doctors? My question simply is

1 whether or not you have your own prerogative in executing or
2 carrying out certain professional activities as medical doctor or
3 you have to listen to the direction of the Party always.

4 A. Mr. President, what I have observed at that time, the Party
5 paid greater attention to obeying the discipline rather than
6 paying great attention to the human being or their lives.

7 Q. Thank you. Could you also confirm whether you had experience
8 concerning the student or trainers, whether people who you worked
9 with before -- before 1975 could then be seen again giving
10 training to you after 1975?

11 [10.01.15]

12 A. I couldn't tell whether it was the case that educated people
13 could be treated differently, but people who could provide
14 training were those who affiliated with the cadres. At that time,
15 people could attend any study sessions or training sessions if
16 they were needed by the Party, and in particular, their
17 background would never wanted to be studied thoroughly. For
18 example, if they wanted someone to become a doctor, then they
19 just assigned someone to study medical skills. And after some
20 discussions, I learned that people could only attend study
21 session when they had some relatives who worked in the CPK or who
22 were affiliated or connected.

23 Q. So you were not familiar with someone who had background in or
24 university degrees in medical affairs before they provided such
25 trainings; is it true to say?

1 A. I don't know to what extent one could have attended school
2 before they attended the training sessions or provided training
3 sessions. But to my understanding is that, those students who
4 studied the medical skills were in their third year.

5 [10.03.42]

6 Q. During the time when you studied medical skills at the
7 Khmer-Soviet Hospital, were you ever instructed to write your
8 autobiography?

9 A. It was the case that people would be asked to write their own
10 biography because they would like to know where we were from,
11 what we did; so, indeed, at the hospital there were cases where
12 people were asked to write their biographies.

13 Q. What was the reason behind rewriting your biography or
14 everyone's biography at the hospital during that time?

15 A. I do not know their reason behind this, but as indicated, that
16 the Secretary of Sector 20 appeared to have prior knowledge on
17 this because he used my name differently from my real name
18 because the sector of the - the secretary of the sector already
19 changed my name and he never used my original name. And he asked
20 me not to use it again. So I believe that there could be some kind
21 -- there could be some kind of prior knowledge of what happened
22 before I could be allowed to go to the training session, and -
23 but the one I know was that I was allowed to pay some kind of
24 gratitude gesture to my parents.

25 [10.06.17]

24

1 I was called Iep at that time, Iep - not Iep Oeun, for sure; Iep
2 Lon was my other name. Em Oeun was not the name I was supposed to
3 use back then. I changed - my name was changed to hide my
4 identity.

5 Q. Thank you, Mr. Civil Party. I have three more questions to put
6 to you.

7 How many times did you write your biographies?

8 A. I only wrote it on one occasion, when I studied at the
9 hospital.

10 Q. In writing your biography, did you receive any instructions
11 from the upper-level cadres?

12 A. I did not receive any instructions from any of them. I was
13 just asked to write the biography on my own.

14 Q. Thank you, Mr. Em Oeun.

15 [10.08.02]

16 This is my last question to you: When you was - you were a
17 student at the Khmer-Soviet Hospital, could you tell the Chamber,
18 please, on the condition of the students who attended the
19 training sessions? How were they treated? And what did they talk
20 to you about?

21 A. I am now referring to people from the zones. Normally, people
22 did not talk the truth; they never chit-chatted. And the reason
23 that we could not find time to conversate -- converse or to chat,
24 because they were all afraid and they did not enjoy any fun time
25 because people were so intimidated not - they were afraid not --

25

1 to make any mistake. And people would be sent to their each
2 respective zone after the training sessions, so people would
3 never say anything about their own zone. So I can say that
4 trainees would supposed to only do whatever the Party wanted them
5 to do.

6 MR. CHAN DARARASMEY:

7 Thank you, Mr. President and Your Honour.

8 Thank you, Mr. Em Oeun, for your responses to my questions.

9 I would like now to cede the floor to my colleague to put further
10 questions to the civil party.

11 [10.10.31]

12 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President. Good morning, Your Honours. Good
14 morning to everybody here, and most particularly to the civil
15 party.

16 Q. I want to ask you some questions about political education in
17 Borei Keila.

18 Mr. Em Oeun, in your submission to become a civil party, you said
19 that you were sent to Borei Keila for a session of political
20 education when you were being trained at the Hospital of the 17th
21 of April. And at our hearing last Thursday, what I heard in the
22 French translation seemed to suggest that you had attended
23 several political education sessions in Borei Keila.

24 Could you tell us precisely the number of sessions -- you said
25 they lasted seven to 10 days - the number of sessions you

26

1 attended in Borei Keila - just one, or were there several of
2 these? Could you please clarify that for us? Thank you.

3 [10.11.40]

4 MR. EM OEUN:

5 A. There were several training sessions, but the sessions were
6 not meant to be for me, but for others. I only attended the
7 session on one occasion.

8 Q. Thank you.

9 So, let's talk about the sessions that you did attend. Were there
10 other cadres from the Hospital of the 17th of April there, or
11 other trainees who also attended, or were you there on your own,
12 coming from the hospital?

13 A. I have no idea who attended the sessions because I did not
14 know many at that time, at the hospital. I was in the training
15 session on behalf of the Party, who would like me to attend
16 political study sessions. That's all.

17 Q. Thank you.

18 At our hearing last Thursday, you mentioned Yun Yat, Pol Pot,
19 Nuon Chea, Khieu Samphan and Hu Nim as being among the leaders
20 who spoke or who delivered speeches at the political education
21 sessions that you attended, and you said that, with respect to
22 Ieng Sary, you weren't absolutely sure about him. So how were the
23 CPK leaders presented to you at these sessions? Did they say
24 their own names, or did somebody else tell you that they were
25 call this or that? How did you know they were called Yun Yat, Pol

1 Pot, Nuon Chea, Khieu Samphan, and Hu Nim?

2 [10.14.03]

3 A. The committee of the political study session presented -- or
4 introduced these individuals. Before the session started,
5 trainees were introduced to the trainers.

6 Q. Thank you. And when you were being educated by Pol Pot, were
7 you aware of what role he played in the Party within Democratic
8 Kampuchea?

9 A. I was aware at that time that Pol Pot was the Secretary of the
10 Party.

11 Q. And at the time, what did you know about Nuon Chea? Did you
12 know what role he played in the Party?

13 A. Mr. Nuon Chea was the president -- or the Chairman of the
14 People's Representative Assembly.

15 Q. Is that something that you were told at the Borei Keila
16 session or something that you already knew before you got there?

17 A. I knew about this before I attended the study session because
18 I was told by the secretary of the zone that Mr. Nuon Chea now
19 rose to the position of the President of the Assembly.

20 [10.16.23]

21 Q. What did you know about Khieu Samphan during that political
22 education session in Borei Keila?

23 A. Mr. Khieu Samphan, I know -- I knew his position before the
24 training session and also during the study session because I was
25 told by the secretary of the zone that Mr. Khieu Samphan was the

1 State Presidium – the President of the State Presidium.

2 Q. Thank you. Simply to confirm that I really have understood
3 what you said just now, when you were in Borei Keila, was that
4 the first time that you saw Pol Pot, Nuon Chea, Khieu Samphan,
5 and the other leaders?

6 A. Yes, it is correct. It was the first time I had seen these
7 individuals.

8 Q. Thank you.

9 You said that the political committee introduced the different
10 speakers to you on that very first day of the session. Were all
11 of the leaders present there, at the opening of the training
12 session, on the first day?

13 [10.18.13]

14 A. During the commencement of the study session, they were all
15 there together.

16 Q. Did Nuon Chea and Khieu Samphan attend there to hear the
17 speech made by Pol Pot on the first day?

18 A. During the first day, Mr. Pol Pot started the opening remarks.

19 Q. Very good. And when he made those opening remarks, did you
20 notice if Khieu Samphan or Nuon Chea were present there? Since
21 they had been presented by the committee, did they stay to listen
22 to the speech by Pol Pot or did they leave earlier?

23 A. Every one of them, including Mr. Khieu Samphan, Pol Pot, Nuon
24 Chea, and the other people on the stage, remained in the meeting.

25 Q. Thank you.

1 [10.19.58]

2 Can I come back to what Pol Pot said? But I have a general
3 question before that about the way in which the session was
4 organized.

5 Were you and the other participants free to take the floor, ask
6 questions, and exchange views on the questions that were being
7 discussed?

8 A. No, none of us would say anything.

9 Q. And did the leaders sometimes asked you questions and invite
10 you to exchange some views with them, or were you just listening
11 to speeches?

12 A. During the political study session, we were mainly listeners.
13 No other individuals would be allowed to say anything, other than
14 this group of senior individuals.

15 Q. Thank you very much.

16 Let's turn to Pol Pot's speech on the first day.

17 [10.21.42]

18 With the leave of the President, I would like to read out a
19 passage from your civil party application. It's D22/3963. And if
20 we could have the document up on the screen as well -- in
21 English, on page 7; French, page 16; and in Khmer, page 00573978?
22 I have a copy here for the civil party if he doesn't have it in
23 front of him, Mr. President.

24 MR. PRESIDENT:

25 International Co-Counsel for Mr. Nuon Chea, you may now proceed.

1 MR. PAUW:

2 Thank you, Mr. President. The OCP, in recent months, has adopted
3 a practice that, I think, is the correct practice, and that
4 practice is to first ask the witness what he remembers, and then,
5 if he does not remember what he has stated before, for example in
6 his statement before the OCIJ or, in this case, in his civil
7 party application, then his memory can be refreshed by reading
8 him from this statement.

9 [10.23.09]

10 If we are going to simply have the witness confirm his earlier
11 statement or have him be influenced by what he has stated two
12 years ago, I think this may muddle what the witness actually
13 remembers.

14 So I would suggest that the Prosecution continues with its own
15 practice, and which is the correct practice – that is, to first
16 ask the witness what he remembers.

17 MR. DE WILDE D'ESTMAEL:

18 If I may answer, Mr. President, I think the practice is perfectly
19 valid here. It's not a matter of asking the civil party to
20 endorse what he wrote himself; I want to ask additional questions
21 connected with what he said on the form, and much of which was
22 confirmed at the hearing last Thursday.

23 So, with your permission, Mr. President, I will read out the
24 passage and then ask supplementary questions to what was actually
25 stated by the civil party.

1 MR. PRESIDENT:

2 You may proceed, Mr. Co-Prosecutor.

3 [10.24.40]

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. I think this is your writing, Civil Party, so I shall quote
6 the passage. It says, in fact:

7 "On the first day of the study, Mr. Pol Pot presented the
8 politics of revolution, during which he talked about the
9 great-leap-forward policy. In his words, Pol Pot said that in
10 order to achieve this great leap forward, we needed to know who
11 our enemies were and friends were, regardless of family
12 relationship. In order to apply this great-leap-forward policy of
13 the Angkar, we needed to smash them."

14 I shall stop at that point and ask a first question about the
15 "great leap forward". Last Thursday, you said -- and in the draft
16 transcription of the 23rd of August, it's located around 2.30 -
17 you said that, in the training, you learned how to influence the
18 mentality of the people so that they could adopt the policy of
19 the "great leap forward". And last Thursday, you also said that
20 it was a matter of moving from democracy to communism, without
21 going through socialism.

22 [10.26.17]

23 So I'd like to ask you, can you explain to us what Pol Pot and
24 the other leaders said to you in order to influence the mindset
25 of the people in daily life so that they would sign up to the

1 "great leap forward"? Civil Party, do you understand my question?

2 A. I think I wish not to add on top of this because the truth
3 already is well included in that statement of mine.

4 Q. Another question: According to Pol Pot, anybody who couldn't
5 make the "great leap forward" would be considered as an enemy.

6 Did they explain to you how to see when a person was not able to
7 make the "great leap forward"? In other words, was it possible to
8 know -- or to distinguish between a person who was making the
9 "great leap forward" and a person who was not?

10 A. In my submission -- the complaint, I stated clearly that to
11 identify who would be the Communist, who would be the opponent of
12 the CPK, I already stated in the document, and the document is
13 now presented to me by the prosecutor. And, again, I submit that
14 this is really the truth as indicated.

15 [10.28.26]

16 At that time, the Party had to smash the enemies based on each
17 individual's performance. For example, if I attended a study
18 session and I did not perform very well, then I would be regarded
19 as an enemy already. The Party had the view that anyone who
20 obstructs the Party's affair or opposed the Party, this
21 individual would be regarded as the enemy or the traitor of the
22 Party.

23 Q. Mr. Civil Party, can you explain, in the extract that I read
24 out - "in Pol Pot words, Pol Pot said we needed to know who our
25 enemies and friends were, regardless of family, relationship" --

1 can you tell us what this means?

2 A. That simply means that it was the policy of the Party that
3 introduced to us and that we had to follow.

4 "Regardless of family relationship" here means, if we were their
5 children and our parents betrayed the Party or were the enemies
6 of the Party, I had to follow the Party policy, then I had to
7 treat my father, who betrayed the Party, as the traitor. So, if I
8 were to be asked to kill my father, who betrayed the Party, and
9 whether I dare kill him, the Party will test my courage. And I
10 had to abide the policy of the Party.

11 [10.31.05]

12 So the Party did not care or pay attention to the relationship,
13 the family relation - human being relation; they only care about
14 the implementation of the policy effectively.

15 MR. PRESIDENT:

16 Thank you, Counsel. Thank you, Mr. Co-Prosecutor and the Civil
17 Party.

18 Since it is now appropriate moment for the morning adjournment,
19 we will adjourn for 20 minutes. The next session will be resumed
20 by 10 to 11.00.

21 (Court recesses from 1031H to 1052H)

22 MR. PRESIDENT:

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

24 I hand over to the Prosecution to continue his line of
25 questioning to this civil party. You may now proceed.

1 BY MR. DE WILDE D'ESTMAEL:

2 Thank you very much, Mr. President.

3 Q. Mr. Em Oeun, just earlier, we were talking about the political
4 training sessions being held at Borei Keila and the presentation
5 given by Mr. Pol Pot during the opening day, which you attended.
6 You talked about the distinction between friends and enemies,
7 regardless of family relationship.

8 Now, among – or aside from the other CPK leaders who were present
9 there, who was entitled to determine who was considered an enemy
10 or a friend? Is this something that any Party cadre was able to
11 identify and decide if a certain person was an – was a friend or
12 an enemy, or was this distinction made only by higher-ranking
13 cadres or leader?

14 [10.54.00]

15 MR. EM OEUN:

16 I would like to respond to this question based on my personal
17 observation. In a nutshell, members in the Party were powerless;
18 they only listen to a circular issued by 870. They had to comply
19 with this circular – circular 870. Whenever they hear about this
20 circular, they had to abide by this circular. And I did not know
21 who issued the circular and I did not know why people had to
22 respect this so much.

23 Q. Did you, yourself, have in possession this circular? And who
24 gave – and if so, who gave it to you?

25 A. Let me clarify it. I have never received this circular but I

35

1 was influenced by this circular. Actually, this circular was
2 meant to be applied in different places. For example, if it was
3 administered to the ministry or village level or cooperative
4 level or so, then they had to implement this circular strictly.

5 Q. And in that circular, was it identified, who had the capacity
6 to identify an enemy and eliminate that enemy?

7 [10.56.06]

8 A. To be honest, I am not trying to provide any mitigating
9 circumstance or so to anyone, but I think that everyone who saw
10 this circular had to comply with this circular very strictly. And
11 I also wonder why it was so powerful. I observed the situation at
12 that time, that the cooperative was empowered with authority to
13 arrest people. For example, the leader of a cooperative was
14 vested with the power to arrest and kill people. But if you ask
15 me who issued this circular or order, I did not know. I did not
16 know. But people had to respect this circular very strictly.

17 Q. Just to return to the subject of Pol Pot and the speech that
18 he delivered at Borei Keila on the first opening session and he
19 made a distinction between friends and enemies, did he make a
20 distinction between enemies burrowing within the ranks and
21 enemies from the outside?

22 A. During the Democratic Kampuchea period, Pol Pot and others
23 were - were very vigilant of the enemies burrowing from within.
24 They said, if the external enemies, they could see them easily,
25 but the internal enemies, the enemies burrowing from within were

1 invisible, then they were very dangerous to the Party. That's why
2 they did not trust people. At that time, there were a sense of
3 mistrust, and everyone had to be cautious and vigilant at all
4 time.

5 [10.58.23]

6 At that time, any individuals who had any contradiction within
7 their cooperative or communities, then they would be put at the
8 risk; in other words, they may be eliminated.

9 Q. Thank you.

10 You said that Pol Pot talked about "smashing enemies", and today
11 you talk about the "elimination of enemies". Can you please
12 specify exactly what the leaders meant by "smashing enemies" or
13 "eliminating enemies"?

14 MR. SON ARUN:

15 (No interpretation)

16 MR. PRESIDENT:

17 Witness, please hold on.

18 The National Counsel for Mr. Nuon Chea, you may proceed.

19 [10.59.28]

20 MR. SON ARUN:

21 Good morning Mr. President. Good morning, Your Honours. I am of
22 the opinion that the question being put by the Prosecution is
23 leading by nature because he is now asking the witness to
24 speculate in his answer. There is nothing precise in his
25 questions to the witness. Thank you, Mr. President.

1 MR. DE WILDE D'ESTMAEL:

2 Thank you, President. I was simply seeking to learn whether Mr.
3 Civil Party could tell this Court whether, in the context of the
4 time, when leaders talked about "smashing" or "elimination", what
5 this meant exactly. I wasn't trying to ask a leading question.
6 The civil party can simply provide an explanation as to what he
7 believes was meant by this in the context of 1975 and 1979.

8 MR. PRESIDENT:

9 The objection is not sustained.

10 The Chamber wishes to hear the respond from the civil party to
11 the question posed by the Co-Prosecutor.

12 Mr. Civil Party, you are now supposed to provide that response.

13 [11.00.51]

14 And as a civil party, you ought to listen carefully to the
15 questions, and if you understand the question posed to you and
16 you can answer as precisely as yes or no, then proceed to do so.

17 Please do not speculate, do not respond to questions that you,
18 yourself, are not certain you can provide the answer. So answer
19 based on what you saw, you witnessed, experienced and, again, try
20 to avoid speculating because, if you speculate, your statement
21 will be less valuable.

22 So please respond to the question concerning the term "smash" --
23 according to your knowledge, what does the term "smash" mean.

24 MR. EM OEUN:

25 A. "To smash" is not the term I speculate; it's the true term

1 used during that time. "To smash" means to execute someone. So
2 the person had to be taken away and smashed – mean "executed".

3 BY MR. DE WILDE D'ESTMAEL:

4 Thank you.

5 [11.02.47]

6 Let's return to the topic of the speech delivered by Mr. Nuon
7 Chea.

8 On the 23rd of August, you stated that at the end of Pol Pot's
9 speech, Nuon Chea repeated some of the phrases and words that
10 were uttered by Mr. Pol Pot before he delivered his own speech.
11 Did Mr. Nuon Chea talk about the "great leap forward" or talk
12 about the enemies who were to be eliminated?

13 MR. EM OEUN:

14 A. As indicated before, each speaker proceeded to the next topic.
15 One would pick up briefly from the previous speaker, and one
16 would say, "as the Party already indicated". We had to follow the
17 instructions by the Party. Otherwise, we would eventually be
18 responsible for our acts.

19 And as I already stated, Mr. Pol Pot already had something to
20 say, then Nuon Chea, then Khieu Samphan, and each, respectively,
21 had some more things to say.

22 Q. Does that mean that you didn't take note of anything in Nuon
23 Chea's speech that would have demonstrated that he was in
24 disagreement with Mr. Pol Pot?

25 [11.04.32]

1 MR. PRESIDENT:

2 Mr. Civil Party, could you please hold on?

3 Counsel for Mr. Nuon Chea, you may now proceed.

4 MR. PAUW:

5 Thank you, Mr. President. I think that's a leading question. The
6 witness testified none of the sort.

7 He – the question can be rephrased.

8 MR. DE WILDE D'ESTMAEL:

9 Q. Very well. For the sake of time efficiency, I'll reformulate
10 my question.

11 Did you note anything in Nuon Chea's speech that would've showed
12 that he was in disagreement with Mr. Pol Pot and what Mr. Pol Pot
13 stated in his speech with respect to the "great leap forward"?

14 [11.05.25]

15 MR. EM OEUN:

16 A. I did not say Mr. Nuon Chea opposed or was not in agreement
17 with Pol Pot. I was saying that, before Mr. Nuon Chea said
18 something, he had to pick up a few words from Pol Pot before he
19 stated his words. And before he said anything, he would refer to
20 what Pol Pot had already said.

21 Q. Last Thursday, Mr. Civil Party, you testified that -- and the
22 following can be found in the draft transcript, during the time
23 slot of 2.34 p.m. and 2.37 - the following - and I quote what you
24 said, sir:

25 "With respect to what Mr. Nuon Chea said at Borei Keila, those

40

1 who infiltrated the Party had to be found. He was very firm and
2 affirmative on this subject. He said that, as leaders, those who
3 had infiltrated the ranks had to be unearthed."

4 Now, in Nuon Chea's speeches, did he provide any specific
5 examples or names of cadres and Party members who had been
6 labelled as traitors or infiltrated enemies? Did he provide any
7 names?

8 MR. PRESIDENT:

9 Civil Party, could you please hold on?

10 [11.07.32]

11 Counsel for Mr. Nuon Chea, you may now proceed.

12 MR. PAUW:

13 Thank you, Mr. President. I think the same transcript shows that
14 this question is repetitive, as on page 82 of the English draft
15 transcript, the following question can be found: "Did Mr. Nuon
16 Chea explain further on who would be categorized as those who
17 were infiltrating the internal Party?"

18 Then, the civil party proceeded to answer this question.

19 So this question has already been asked by the civil parties, and
20 Prosecution should move on to topics that have not been covered
21 yet.

22 MR. DE WILDE D'ESTMAEL:

23 If I may respond, Mr. President, this question with respect to
24 the specific names was not posed. He had previously been asked a
25 question with respect to the kinds of enemies who were

41

1 identified, but not any possible disclosures of names.

2 [11.08.28]

3 And so the answer to my question is rather straightforward; it
4 can be followed by a yes or a no.

5 MR. PRESIDENT:

6 The objection is not sustained. The Chamber wishes to hear the
7 response from the civil party to the question posed by the
8 prosecutor.

9 Mr. Civil Party, you may now respond.

10 MR. EM OEUN:

11 Mr. Co-Prosecutor, could you please repeat your question?

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. Yes, of course. My question is: If Nuon Chea, during his
14 speech delivered at Borei Keila, disclosed any names of Party
15 cadres who had been revealed as infiltrated enemies or traitors.

16 MR. EM OEUN:

17 A. I wish to also say that it doesn't mean that Mr. Nuon Chea did
18 not mention names in the meeting. He indicated that everyone
19 would - should not follow what Mr. Koy Thuon had been doing
20 because he was the Party's betrayer.

21 [11.10.06]

22 And they also - he also referred to Keo Meas, alias Achar, and we
23 were told not to follow the footsteps of those individuals.

24 Otherwise, we also would be - end up being executed, as these
25 people.

1 Q. Did he just provide those names or did he show any documents
2 with respect to those individuals?

3 A. He did not just show one name; he showed several names in a
4 document. But, I'm sorry, I cannot recall all the other names.

5 Q. And of the names that he showed in a document -- was he
6 holding the document, or was it a document that was being
7 circulated to all participants of that political education
8 session?

9 A. No document was handed down to participants. He was in sitting
10 (phonetic) giving speech, and in his speech he would mention
11 names, as indicated.

12 [11.11.59]

13 Q. Did he tell you who Koy Thuon was, did he tell you who Keo
14 Meas was - those people who were being identified in his speech?

15 A. I stated there were several documents - not just single
16 document - about this, but I just can't recollect them all. Chan
17 Chakrey, who was the commander of the army, was also mentioned
18 along with Koy Thuon. So these were the wordings I heard from Mr.
19 Nuon Chea during the session.

20 And I also observed that several people would be arrested
21 eventually, and I was very afraid to say anything back then.

22 Q. With respect to intellectuals who had studied abroad, you
23 testified that Nuon Chea had, in one manner or another, attacked
24 them during those sessions. Did Nuon Chea describe exactly what
25 those intellectuals who had studied abroad were being blamed of?

1 A. The term "attack" here was meant to refer to what he said
2 about people who were educated abroad who received foreign
3 doctrine. These individuals could pose some risk to the
4 revolution - to his revolution.

5 [11.14.22]

6 Q. Thank you, Mr. Civil Party. And during that same speech, did
7 Mr. Nuon Chea talk about traitors who were members of the enemy
8 network? Was the word "network" uttered by Mr. Nuon Chea on that
9 particular occasion?

10 A. Not Mr. Nuon Chea who mentioned the "enemy network" in the
11 session. People at lower level, including the chiefs of the
12 communes, also used the term "network" very often. For example,
13 one who did not do things to benefit the country would not be
14 perceived to be someone who should - who we should follow. So we
15 only follow those who prove beneficial to the country. So these
16 are the language we used.

17 Q. And during Nuon Chea's speech or perhaps during the speeches
18 made by other CPK leaders, while speaking about Koy Thuon or
19 others, did they make reference to the spy networks?

20 [11.16.13]

21 A. I'm afraid that the question is repetitive because the term
22 "network" is rather broad and it was mentioned, and I'm afraid
23 that I will also be repetitive in my response to that question
24 concerning networking.

25 MR. PRESIDENT:

1 Mr. Civil Party, you shall now listen carefully to the question
2 because at times we note that you stray away from the line of
3 questioning. So you are now advised to just stay put - or go
4 straightforward to the questions. If not, then you would be put
5 other questions so that you respond to the intended questions.
6 The Chamber would like to inform you that, as a civil party, you
7 are supposed to respond to all questions by the party who are -
8 who is putting the question, unless you decide not. And please
9 respond to the question being asked rather than going further
10 than that.

11 Mr. Co-Prosecutor, you may now proceed.

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. Mr. President, I shall rephrase my question.

14 [11.18.00]

15 Now, whilst speaking about enemies or traitors, he talked about
16 Chan Chakrey, Koy Thuon, and others. And did he talk about spies?
17 Did he also talk about networks of spies?

18 MR. EM OEUN:

19 A. Yes, he did. He talked about spy networks. You may proceed.

20 Q. Did Mr. Nuon Chea talk about spy networks that were operating
21 in Democratic Kampuchea, who they were, and where they were from?

22 A. Yes. You can continue; I just say yes.

23 I wish to also add that there were accusations, and this referred
24 to those from America and from Russia - or Soviet, back then.

25 Q. Thank you. And do you, yourself, have a recollection of the

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1 names of those who were purportedly from the American and Soviet
2 spy networks active in Democratic Kampuchea?

3 A. Yes, I do. For the American affiliated agent, we refer to them
4 as the CIA, while, for the Russian, then people could have been
5 implicated as a KGB agent. And also the "Yuon agent", or the
6 "Aggressive Yuon agent", as the Khmer Rouge would frame that
7 term.

8 [11.20.30]

9 Q. When you heard Nuon Chea talk about people who had infiltrated
10 the Party ranks and when he cited names and disclosed the
11 identity of traitors, what was your reaction? What happened
12 afterwards? Did you become fearful?

13 A. I think I was not alone who was fearful having heard these
14 expressions. I just say that, yes, I was fearful.

15 Q. Thank you.

16 I wish now to turn to Mr. Khieu Samphan's speeches.

17 And my question is the same: Did you take note of anything, in
18 Mr. Khieu Samphan speeches, that contained elements that he --
19 may not have been in full agreement with what was said by Mr. Pol
20 Pot and Mr. Nuon Chea previously?

21 [11.21.47]

22 A. Before he started his speech, he would use the same expression
23 as shared by the other previous speakers. However, he indicated
24 that, to uncover the traitors of the Revolution and the
25 infiltrated enemies, we were asked to understand the - how to

1 work more, eat less, rest less. But that's - that's what I heard
2 from him.

3 Q. Thank you.

4 Last Thursday, one of the civil party co-lawyers had read out a
5 passage from your Civil Party Application.

6 And with your leave, Mr. President, I wish to quote once again
7 from the same passage. However, I wish to ask some different
8 questions, and so I'll therefore ask the - or I'll read from the
9 passage, which is under D22/3963, on ERN Khmer page 00573979, on
10 ERN English page 00751867, and on French ERN page 00786186.

11 Perhaps, Mr. President, you would be so kind as to have this
12 document placed on the screen?

13 [11.23.53]

14 MR. PRESIDENT:

15 You may proceed.

16 BY MR. DE WILDE D'ESTMAEL:

17 Thank you very much.

18 Q. I'll begin by quoting from your Civil Party Application, and
19 then I'll be asking some questions.

20 Now, you said:

21 "On the fourth or fifth day, I saw Khieu Samphan speaking. He
22 reminded us of what Pol Pot and Nuon Chea said. After that Khieu
23 Samphan talked about the Angkar's strategic policies. Khieu
24 Samphan encouraged us to look back at the victory of the Party
25 and the victory achieved by Angkar and to do our best to follow

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1 Angkar's directions. If the Party wanted us to do anything, we
2 would need to accomplish it at all costs." I'll end there.
3 What, exactly, were Angkar's political strategies? And if Khieu
4 Samphan had provided any explanations with respect to those
5 strategies--

6 A. I'm -- I think I'm -- you may need to rephrase the question
7 because I do not get it.

8 [11.25.32]

9 Q. Now, in the passage that I just read out and is a French
10 translation of your written statement, you talked about Nuon
11 Chea's explanation of the "strategic policies", the political
12 strategic policies of Angkar. Can you please tell us what you
13 think he meant by the "strategic policies of Angkar", based on
14 Khieu Samphan's explanations?

15 A. "Strategic policies" here do not belong to Mr. Khieu Samphan
16 alone; they belong to the Party as a whole. However, as the
17 person in the State Presidium, he told us what we're expected to
18 do and he emphasized strongly to the trainees that people who
19 were perceived as the members of the Party had to be vigilant and
20 cautious, because the term "infiltrated enemies" had to be
21 identified, so we, members of the Party, had to know our role and
22 duties.

23 I think I need more time to delve on this and I may ask Mr.
24 President if I am allowed to also add some more points.

25 MR. PRESIDENT:

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1 You are expected to respond to only the question being asked. If
2 party would like to ask you more, then they would put some more
3 questions. Don't worry; you will still be questioned by other
4 parties to the proceedings as well, so you will have some more
5 time to say more on this.

6 [11.27.47]

7 BY MR. DE WILDE D'ESTMAEL:

8 Q. In the passage I just read aloud, there's another sentence
9 which you stated was made by Mr. Khieu Samphan -- quote: "If the
10 Party wanted us to do anything, we would need to accomplish it at
11 all costs."

12 You, Mr. Civil Party, also made reference to this. And, as a
13 Party cadre, were you entirely submissive to Angkar?

14 MR. EM OEUN:

15 A. Indeed, after hearing these, everyone must absolutely follow
16 it.

17 Q. And for you, during the time that you were at Borei Keila,
18 who, exactly, was "Angkar"? Were there several echelons within
19 Angkar? And who held the highest rank?

20 A. To my understanding, Angkar comprised of several people. It
21 can be referred to those who could make a decision. So Angkar
22 could be a body of three people or more.

23 [11.29.43]

24 And at that time, the person who held the highest authority was
25 Pol Pot.

1 Q. Thank you.

2 And during that meeting--

3 THE INTERPRETER:

4 The interpreter kindly requests the Co-Prosecutor to repeat the
5 question.

6 MR. EM OEUN:

7 A. The Standing Committee was not just heard during the study
8 session. I even got to know the term when I was at the base.

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. And at the base, did you receive -- or did leaders receive any
11 instructions from the Standing Committee?

12 MR. EM OEUN:

13 A. For me, I was responsible for receiving instructions from my
14 superior, and I know nothing more than this.

15 [11.31.20]

16 Q. Thank you.

17 I'll continue reading D22/3963. And, talking about Khieu Samphan,
18 you said that he asked all of the cadres "to pay attention to the
19 New People, who he saw as having feudalist ideologies and trends.
20 Khieu Samphan clearly stressed that in order to uncover enemies
21 burrowing from within easily and clearly, we needed to assign
22 much hard labour to the New and Base People; then they could no
23 longer hide among ourselves. He also said about our comrades who
24 were taking the course: If any of you didn't fulfil the
25 objectives assigned, you, too, would be considered enemies and

1 would be eliminated".

2 When Khieu Samphan talked about the New People as being
3 impregnated with feudalism - or steeped in feudalism, can you
4 tell us what you knew about feudalism at the time? And were you
5 told what the feudal class actually was?

6 [11.33.03]

7 MR. PRESIDENT:

8 Witness, please hold on.

9 The National Defence Counsel for Mr. Khieu Samphan, you may
10 proceed.

11 MR. KONG SAM ONN:

12 Thank you, Mr. President. I would like to make an objection to
13 the assumption that what was written in this document was the
14 statement by Mr. Khieu Samphan.

15 Actually, this was taken from document D92/3962 (sic), was the
16 statement by the - by the civil party himself, and he claims that
17 this statement belongs to Mr. Khieu Samphan, and I would like to
18 object against the assumption that this was the statement made by
19 Mr. Khieu Samphan. And the Prosecution should not consider this
20 as the statement by Mr. Khieu Samphan. It should be constituted
21 the statement by the witness - by the civil party himself.

22 MR. DE WILDE D'ESTMAEL:

23 Well, that's very kind of the Defence to remind me of that. In
24 fact, I was just reading the statement of the civil party who had
25 attributed certain words to Khieu Samphan. So these are indeed

1 the views of the civil party himself that we're listening to
2 today, what he heard in the class given by Khieu Samphan at Borei
3 Keila.

4 [11.34.38]

5 I really don't see the point of this objection, Mr. President. I
6 think that the question was put perfectly clearly, without any
7 possibility for doubt.

8 MR. PRESIDENT:

9 Witness is instructed to respond to the question.

10 MR. EM OEUN:

11 Mr. President, can the prosecutor be directed to put the question
12 again? Because I cannot recall the last question posed.

13 BY MR. DE WILDE D'ESTMAEL:

14 Q. Yes. In the extract that I read from your civil party
15 statement, you said that Khieu Samphan "asked the cadres to pay
16 special attention to the New People, who were steeped in
17 feudalism". But did he explain to you what feudalism was, at that
18 time, when you were attending the training session at Borei
19 Keila?

20 MR. EM OEUN:

21 A. At the time, I heard the word "feudalism" and I did not,
22 actually, bother to find out what it meant at that time. And of
23 course the word "feudalism" was mentioned in his speech, but I
24 did not understand his motivation of using this word and I did
25 not even understand what "feudalism" was all about.

1 [11.36.32]

2 Q. When Khieu Samphan asked all of the cadres "to pay attention
3 to the New People", did he explain what that meant, "to pay
4 particular attention to the New People"?

5 A. According to my observation at that time, they were very
6 vigilant. Everyone was under surveillance and they had
7 "undercovers" who observed other people's behaviour.
8 Particularly, they paid attention to the 17 April People, or the
9 New People. That was the words used in his political training
10 session - which Mr. Khieu Samphan conducted.

11 Q. Thank you. Another question on that particular extract,
12 because you said that "Khieu Samphan clearly stressed that in
13 order to uncover enemies burrowing from within, we needed to
14 assign much hard labour to the New People". Why, in your view,
15 from what you heard Khieu Samphan say, did these people need to
16 be given hard labour in order to uncover them? How did hard
17 labour uncover such people?

18 [11.38.18]

19 A. On this point, I still recall what he told us and the
20 political lines at that time. They wanted to uncover the enemy
21 burrowing from within, and in doing so, we had to assign much -
22 hard labour; we had to give them a lot of work, little food to
23 eat so that they - so that we could uncover the enemies from
24 within. That's what he mentioned in the session. I was rather
25 terrified, myself, and my colleagues were a bit terrified upon

1 hearing that statement.

2 Q. Thank you.

3 Apart from the topics that we have already covered in this
4 section -- the "great leap forward", the enemies, the New People
5 -- did Khieu Samphan or Nuon Chea talk about other subjects at the
6 training session -- that you can remember?

7 A. In that political training school, they actually discussed
8 other topics as well. And I did not understand his motive of
9 making that statement. At that time, I could not do anything
10 except to do something to save my life.

11 Q. So, if I get you right, you don't remember any other subjects
12 that were brought up by different speakers at that political
13 training session.

14 [11.40.34]

15 A. Yes, you are right, I do not recall.

16 Q. Thank you.

17 I have one last question. Last Thursday, at the hearing, you
18 quoted a Khmer Rouge slogan that they used against their enemies,
19 and that is: "To keep you is no gain; to lose you is no loss."
20 During the political sessions in Borei Keila, did the leaders of
21 Democratic Kampuchea use certain slogans like that one? And if
22 so, could you perhaps tell us which ones?

23 A. I do not recall all the slogans. I remember that particular
24 slogan. That's what he said at that time: "Keeping you is of no
25 gain; and losing you is of no loss." I could not elaborate

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1 further, but that's what I can recall among other slogans used.

2 That is all for my answer to your question.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you very much, Civil Party, for your time.

5 Mr. President, Your Honours, that brings me to the end of my

6 questions. Thank you.

7 [11.42.36]

8 MR. PRESIDENT:

9 I would like to now turn to my fellow colleague on the Bench if

10 Judge on the Bench have any question to the civil party.

11 Since there's no question from Judges of the Bench, I would like

12 to now give the floor to the lawyers – the defence team for Mr.

13 Nuon Chea. You may proceed.

14 QUESTIONING BY MR. PAUW:

15 Thank you, Mr. President. And good morning to everyone in and

16 around the courtroom, and good morning to you, Mr. Em Oeun. I

17 will, this morning, start with a certain number of questions

18 relating to how you came to be a civil party. And I will speak

19 slowly for the benefit of the translators.

20 Q. And my first question to you, Mr. Em Oeun, is: How did you

21 first find out about the ECCC and the proceedings that take place

22 here?

23 MR. EM OEUN:

24 A. The reason why I knew the existence of the ECCC was because I

25 had been waiting for a long time for it. I did not know where it

1 was located.

2 [11.44.17]

3 But one day, one of my relatives from Kampong Cham province, he
4 asked me to help find the Documentation Center of Cambodia
5 office, and then, when we got there, they talk to us about the
6 Victim Information Form, and then I learned about that
7 information and I actually know about the Khmer Rouge Tribunal
8 was because I went there and I met Mr. Sar Sarin, who was a
9 person who guided guests over there.

10 Q. Could you tell us little bit more about Mr. Sar Sarun
11 (phonetic)? What was his function--

12 Let me rephrase this question: Who was this Mr. Sar Sarun
13 (phonetic)?

14 A. Not Sar Sarun (phonetic); rather Sar Sarin. He was a driver.
15 He takes foreign tourists touring in Cambodia.

16 Q. And did I understand you correctly that Mr. Sar Sarin works at
17 DC-Cam, or was that a translation issue?

18 [11.46.24]

19 A. Mr. Sar Sarin is not a staff member of the Documentation
20 Center of Cambodia; he is a farmer.

21 Q. Then I misunderstood; my apologies.

22 You spoke about the Victim Information Form. And just to be clear
23 on the issue, who gave you your first Victim Information Form?

24 A. I received this form from the Documentation Center of
25 Cambodia. That was the first time when I encountered with that

1 form. And then, with my suffering in life, particularly the vivid
2 memory of the loss of my parents as well as my relatives, so I
3 had to search for a venue to file my complaint.

4 Q. And so you were given a Victim Information Form. And am I
5 correct in understanding that that is the first Information Form
6 that you submitted on the 25th of January 2010?

7 A. That is correct.

8 Q. And is it correct that you wrote this -- first, that the
9 information contained on this first Victim Information Form was
10 written by you, in your own handwriting? Is that correct?

11 [11.48.53]

12 A. I handwrote it in the early part of the Information Form. And
13 in the latter part, I ask the Documentation Center of Cambodia
14 staff to assist me in writing, but I did provide the information.

15 Q. You asked DC-Cam to assist you in the writing just to avoid
16 misunderstanding, did you write both applications yourself, or
17 were you assisted by BC-Cam in actually writing one of these
18 applications?

19 [11.49.50]

20 A. Just clarification, I asked the staff member of the DC-Cam to
21 assist in filling the application form in the latter, in the
22 second form. But the -- in the first form I wrote it myself.

23 Q. And when you wrote this first form, were you helped by anybody
24 in writing that first form?

25 A. For the handwriting application I submitted to the Court, I

1 did it myself without any assistance from anyone. But I only
2 asked later to the DC-Cam to help me fill in other parts.

3 MR. PRESIDENT:

4 Mr. Prosecutor, you may proceed.

5 [11.51.18]

6 MR. DE WILDE D'ESTMAEL:

7 Thank you, Mr. President. I didn't want to interrupt here, but
8 here we're talking about the first form and the second form
9 without any reference numbers from the case file being given.
10 A document has already been given to the civil party, it's
11 D22/9663. I don't know if he has the other one in front of him,
12 and perhaps it would be easier for him to -- in answering his
13 questions, to have both forms so that he could be clear about
14 which one we're talking about when we're talking about the first
15 form. Otherwise, it may lead to some confusion in the responses.
16 Thank you.

17 MR. PAUW:

18 Thank you, Mr. President. I appreciate the suggestion. I think it
19 is correct that the civil party will have to see both statements
20 and we will be handing both statements to the civil party. For
21 now I don't think there is any misunderstanding on the part of
22 the civil party.

23 [11.52.23]

24 He has indicated quite clearly that he wrote the first
25 application all by himself, and the second application, for that

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1 he was helped by DC-Cam. So my questions for now are general in
2 nature and I choose to not confuse the witness with the actual
3 document numbers. I will -- once I speak about the actual
4 documents, I will provide the witness with the actual documents
5 and their reference numbers. So I would like to proceed,
6 considering that the witness seems to understand perfectly well
7 which applications I am talking about.

8 I am looking at -- okay. I see that I can proceed.

9 BY MR. PAUW:

10 Q. When you wrote your first application, Mr. Em Oeun, was Mr.
11 Sar Sarin present?

12 MR. EM OEUN:

13 A. No, he was not.

14 Q. And to avoid any confusion, could you explain what exactly the
15 role of Mr. Sar Sarin was in your Civil Party Application?

16 A. I do not quite catch the question. Can you please repeat your
17 question?

18 Q. Certainly. You mentioned Mr. Sar Sarin just now. Can you
19 explain what the role of Mr. Sar Sarin was in you filing a victim
20 information form before the ECCC?

21 A. I -- actually, I -- since you were the defence lawyer, I did
22 not know what to say. But actually, I did not know who he was,
23 but before, during the Democratic Kampuchea period, he was the
24 driver with the Ministry of Foreign Affairs during that period.

25 [11.55.45]

1 Q. Then let me try to simplify the question even more. What does
2 Mr. Sar Sarin do today? You have indicated he is a farmer. Is he
3 a farmer where you are also a farmer?

4 A. Are you asking the lawyer or you are asking me?

5 MR. PRESIDENT:

6 Witness, you are instructed to respond to the question. All the
7 parties put their questions to you. He is not putting the
8 questions to other parties in this proceeding.

9 I have already told you that you will be asked with many more
10 questions by -- by other parties. That's why I have warned you
11 that you should respond to the question as it is being put to you
12 and you should try to avoid diverting from the questions and talk
13 about other unnecessary statements or things. You have to respond
14 to the question as it is being asked.

15 MR. EM OEUN:

16 A. Thank you. I actually heard through the translation that they
17 mentioned "lawyers"; that's why I did not respond to the
18 question.

19 Well, actually, Mr. Sar Sarin is a farmer, and so am I.

20 [11.57.41]

21 BY MR. PAUW:

22 Q. So do I understand from your statement that you know each
23 other because you are farmers in the same region?

24 MR. EM OEUN:

25 A. I knew Mr. Sar Sarin, and Mr. Sar Sarin used to work with my

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1 brothers and now he was a farmer in Mondulkiri province. I am a
2 farmer, but I am in Kampong Cham province. We are farmers, but I
3 do the farming in the rice paddy and Mr. Sar Sarin work in the
4 plantation. That's what I would like to distinguish between the
5 status of being farmers here.

6 Q. Thank you for that clarification.

7 I will, again, try to ask a simple question to get the issue
8 clear. What did Mr. Sar Sarin tell you about the ECCC?

9 A. Back then, Mr. Sar Sarin told me that if I still had a painful
10 memory of my past, I should go to the Documentation Center of
11 Cambodia.

12 Q. Thank you. That is a very clear answer.

13 [11.59.35]

14 Did you discuss with Mr. Sar Sarin your memories from the DK era?

15 A. After that, I talked to him about the process of filing the
16 complaint because he used to work at the Foreign Ministry, so I
17 was told how I could lodge my application. This is how it works.

18 Q. And as far as you know, did Mr. Sar Sarin attend these
19 political training sessions at Borei Keila?

20 A. He, himself, said that he once attended a political session,
21 but not the same session as the one I attended.

22 MR. PRESIDENT:

23 Thank you, Counsel, and thank you, Mr. Civil Party.

24 It is now an appropriate moment for the lunch adjournment. The
25 Chamber will adjourn, but the session today is fully adjourned.

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1 The next session will be resumed by tomorrow, at 9 a.m.

2 [12.01.26]

3 For tomorrow's session, the Chamber continues to hear the
4 testimony of the civil party, questions continue to be put by
5 counsels for Mr. Nuon Chea and the other two defence teams.

6 The Chamber wishes to inform the public and parties to the
7 proceeding that there is no hearing this afternoon because the
8 Chamber is holding a trial management meeting, which is in closed
9 session.

10 Mr. Em Oeun, the Chamber has not completed hearing your
11 testimony, so we would like you to come back to our tomorrow
12 session, commencing at 9 a.m. again.

13 The court officer is now instructed to assist with the WESU unit
14 to ensure that Mr. Civil Party can be properly assisted, and
15 along with the reserve witness, and ensure that Mr. Em Oeun be
16 returned to the courtroom by tomorrow, 9 a.m. And for the reserve
17 witness, the witness shall also be available in the ECCC complex
18 for tomorrow -- for tomorrow's session as well.

19 Security personnel are now instructed to bring all the accused
20 persons back to the detention facility and have them returned to
21 the courtroom tomorrow, by 9 a.m.

22 The Court is adjourned.

23 THE GREFFIER:

24 (No interpretation)

25 (Court adjourns at 1203H)