



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
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Case File N° 002/19-09-2007-ECCC/TC

6 December 2011
Trial Day 5

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
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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MR. DE WILDE D'ESTMAEL	French
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KLAN FIT (TCCP-185)	Khmer
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	English
MS. MOCH SOVANNARY	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MS. SIMONNEAU-FORT	French
MR. VERCKEN	French

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

2 (Court opens at 0903H)

3 (Judges enter courtroom)

4 MR. PRESIDENT:

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

6 [09.04.42]

7 The hearing on evidence with regard to Nuon Chea was conducted
8 the whole day, yesterday, but it has not yet concluded.

9 However, due to the fact that Nuon Chea has experienced some
10 hypertension, the Chamber had to adjourn to allow Nuon Chea to
11 have some rest so that he can be ready to respond to further
12 questions.

13 Today, we convene the session as usual, and we have noted that
14 his health condition is still not very good because his blood
15 pressure is unusually high, as indicated by the on-duty medical
16 practitioner at this Court.

17 So the Chamber would like to inform the parties that the Chamber
18 will continue questioning the Accused the whole morning, but in
19 the afternoon session, after lunch break, the Chamber will not be
20 putting more questions to the Accused. Instead, the Chamber will
21 call a civil party to testify before this Chamber to compensate
22 the time when Nuon Chea is having some rest in the afternoon
23 session.

24 We have changed the schedule a little bit, as we already
25 indicated, due to the fact that the accused person is an elderly

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1 person and even the civil parties in the proceedings are elderly
2 people, and we perhaps, in the future, may reserve the right to
3 change the schedule when need be.

4 The security personnel are now instructed to bring the accused
5 Nuon Chea to the dock.

6 (The accused Nuon Chea is taken to the dock)

7 [09.07.41]

8 MR. PESTMAN:

9 Good morning, Your Honours.

10 Can I make a suggestion? Is it possible to re-evaluate his
11 medical condition after the first break to see whether he is able
12 to continue?

13 And, just for the record, I would like to note that my client
14 waives his right to be present this afternoon, so that it is
15 actually possible to continue. He doesn't want to be present
16 while the other witness is being heard.

17 Thank you.

18 (Judges deliberate)

19 [09.08.44]

20 MR. PRESIDENT:

21 Just now, the Chamber already informed the parties and the public
22 with regard to the current situation. The Chamber has obtained a
23 report -- a medical report, or notes -- from the doctor.

24 Dr. Kem Sam San, the doctor on duty in this courtroom who has
25 submitted the report, and the Chamber, has already taken into

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1 account this medical evaluation and notes also that we need to
2 change the schedule with regard to the hearing of Nuon Chea in
3 the afternoon by -- instead, by having to hear a civil party who
4 will be testifying.

5 We have already been prepared, in particular, regarding the
6 preparation of doctors who are ready to assist the accused
7 person, to evaluate or re-evaluate the health condition of each
8 and every accused person and consequently report to the Chamber
9 so that the Chamber can take any immediate action as appropriate.

10 [09.10.42]

11 We would like to hand over to Judge Silvia Cartwright to proceed
12 with further questions to Nuon Chea.

13 Nuon Chea, you may now proceed.

14 MR. NUON CHEA:

15 Your Honours, may I suggest that the questions be shorter because
16 I am afraid that, when the question is long, I perhaps cannot
17 fully understand -- cannot respond appropriately.

18 MR. PRESIDENT:

19 Thank you for your suggestion.

20 May I now suggest that our Judges of the Bench put shorter
21 questions instead.

22 Counsel for Khieu Samphan, you may proceed.

23 MR. VERCKEN:

24 Very briefly, Mr. President, if I could ask you which of the
25 civil parties you are planning to hear this afternoon and in what

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1 order.

2 Thank you.

3 MR. PRESIDENT:

4 We have already informed the parties in the memorandum that two
5 civil parties will be heard first. Civil party to be heard this
6 afternoon is civil party TCP-185.

7 Judge Silvia Cartwright, you may now proceed.

8 [09.12.50]

9 QUESTIONING BY JUDGE CARTWRIGHT:

10 Thank you, President.

11 Q. Nuon Chea, in the Closing Order, at paragraph 866, it states
12 that you held military roles between 1970 and 1975; is that
13 correct?

14 MR. NUON CHEA:

15 A. Your Honour, I time and again reiterate that I have never been
16 in the military committee. I was in charge of education at the --
17 within the Standing Committee, and that is all.

18 Q. In fact, you had other responsibilities as well as being
19 Deputy Secretary and being in charge of education; you also had
20 responsibilities for propaganda ever since the 1950s, when you
21 came back from Thailand; is that correct?

22 A. According to this, I accept that it is correct, because I had
23 to do the propaganda, both orally and by printed media, and I
24 also went to the base to do this work among the local people.

25 Q. Did you have any part in establishing the revolutionary

1 magazine "Red Flag"? I apologize; "Revolutionary Flag" was the
2 name of the magazine.

3 A. I had no role in establishing the "Revolutionary Flag". It was
4 Pol Pot who was in charge of that.

5 [09.16.02]

6 Q. Did you assist him with any of the material in your roles as
7 responsible for propaganda and education?

8 A. Your Honour, as a person in charge of propaganda and
9 education, I was tasked with educating the political line, the
10 revolutionary political line, and the strategic line, and educate
11 people with regard to the love of the nation, and the people, and
12 the revolution among cadres -- cadres of all level, from the zone
13 level to the sectorial level and commune -- no, rather, with
14 regard to the commune level, it is the zone and the sector
15 committee who were in charge of the propaganda and education
16 things.

17 Q. Between 1970 and 1975, did you travel around, speaking to the
18 various organs of the Communist Party of Kampuchea, in your role
19 of being in charge of propaganda?

20 A. Between 1970 and 1975, I had held these roles in the
21 circumstance that I was allowed to do so, for example, when there
22 were times that I would be free so that I could travel around,
23 speaking to people.

24 Q. Now, I'm interested to know where you lived and what your
25 public identity was after you returned from Thailand and joined

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1 the struggle against the colonial powers.

2 Is it correct that, when you returned from Thailand in 1951, you
3 went to Samlaut and joined the underground movement there?

4 A. Your Honour, I stayed -- I didn't stay in one place for a very
5 long time, for security or for secrecy reasons. Sometimes I went
6 to some communes, sometimes to Samlaut, Ta Sanh, and sometimes to
7 the East. However, my regular residential area was in Chinit
8 River, along the Chinit River.

9 Q. And then, between 1951 and 1953, you spent some time receiving
10 physical training in Vietnam, as you stated yesterday; that's
11 correct, isn't it?

12 A. From 1951 to 1953, I received some training from Vietnam.

13 Q. Were you in Vietnam for all of that period or did you come
14 back to Cambodia from time to time?

15 [09.22.00]

16 A. Between 1951 to 1953, I had never returned to Cambodia I had
17 to be there doing the propaganda and education sessions.

18 Sometimes I had to go down to the fields to help educating people
19 on that site. I had never returned to the country during that
20 time.

21 [09.22.45]

22 Q. When you returned to Cambodia in 1953, where did you live?

23 A. Upon returning to Cambodia in 1953, as I indicated, I
24 sometimes stayed at one place, sometimes at another. For example,
25 I would stay at Boeng Lvea, along Chinit River, and Samlaut, Ta

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1 Sanh, Kranhung. It depends on certain circumstances. For example,
2 if the enemies attacked at that particular location, then I would
3 have to relocate to others.

4 So I could say that my living place were irregular. During that
5 time, it was the time when there was guerrilla war, and people
6 would not stay in one place longer.

7 Q. And there was period, after the Geneva Accords were concluded,
8 when you lived in Phnom Penh and you were thought -- everyone
9 thought you were a businessman; is that correct?

10 A. After the Geneva Accord, I lived in Phnom Penh, and my
11 occupation changed over time to suit the needs of my livelihood.
12 Sometimes I worked as a teacher, in particular during night
13 times. I worked as food vendor or just vendor, selling things,
14 and sometimes I worked as a clerk for an import and export
15 company.

16 And I didn't work or held the positions or roles for long because
17 I had other tasks.

18 [09.26.07]

19 Q. In 1963, Ieng Sary and Saloth Sar, or Pol Pot, fled to the
20 underground, but you stayed in Phnom Penh; is that correct?

21 A. Yes, it is correct, Your Honour.

22 Q. I'm interested to know how you managed to keep your strong
23 connections with the Communist movement secret so that you were
24 able to stay safely in Phnom Penh. Can you explain to me how it
25 was that you could stay in Phnom Penh when Ieng Sary and Pol Pot

1 had to go to the underground in 1963?

2 [09.27.26]

3 A. Hiding myself in Phnom Penh and working secretly, changed over
4 times. When I needed to contact Pol Pot, I would have to travel
5 to see him at the border areas.

6 However, living condition in Phnom Penh was not easy because I
7 had to do some secret work. I could not really blend in the
8 Chinese immigrant community because I was afraid that I would be
9 accused of being this and being that.

10 [09.28.37]

11 I could not live in villages because it was difficult as well.
12 There were a lot of spies infiltrating in those villages, and,
13 most importantly, villagers would come to borrow money from me.
14 It was as if I had money to lend to them.

15 But, frankly, I lived near the place where the Chinese immigrants
16 selling some local fruits. I did not really have proper place to
17 live because I could not live in the places that would not be
18 suitable for the living condition and carrying these secret tasks
19 at that time.

20 Those who were tasked with doing the secret works would know very
21 well how life -- how difficult life could have been. It was so
22 difficult. At nights, we could never have enough sleep. At 3 a.m.
23 in the morning, we had to wake up to be ready to conduct our
24 work, because spies would be coming to arrest revolutionaries at
25 3 p.m. so that they could not manage to escape on time. That's

1 why, as I indicated, I did not really have enough sleep for that
2 reason.

3 A. And you said that during this time, while you remained in
4 Phnom Penh, but Pol Pot and Ieng Sary and others were at the base
5 near the Vietnamese border, if you needed to talk to Pol Pot, you
6 had to travel to that area.

7 Was there any other means of communication? Could you send
8 written messages or telegrams?

9 [09.31.04]

10 A. I may respond as follows. When Pol Pot, Ieng Sary lived at the
11 border area and when I was in Phnom Penh, when it comes to
12 communication, we had to rely on the messengers. I had to take a
13 car from Phnom Penh -- a truck from Phnom Penh, and I would be
14 dropped at a place where I would be received by a messenger who
15 took me into the jungle and all the way to the border area, for
16 example Office 100, where Pol Pot would stay.

17 And this was also a tough job as well because spies would be
18 everywhere, following us, so we had to disguise ourselves into
19 different people and with all aspects. Sometimes I had to
20 disguise myself into being officers or business people.

21 [09.32.31]

22 Q. And it was in 1970, when the coup d'état occurred against
23 Prince Sihanouk, that you finally left Phnom Penh to join the
24 underground; is that correct?

25 A. Your Honour, at that time, when King Sihanouk was toppled, I

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1 was at the school, educating people at the East Zone, I was not,
2 indeed, in Phnom Penh at that time. Only a few months later, I
3 could manage to find people to get me back to Phnom Penh.

4 Q. So are you saying that you did not join the underground on the
5 Vietnamese border immediately after the coup d'état but you came
6 back to Phnom Penh a few months later? Is that what you're
7 saying?

8 A. Yes, it is.

9 [09.34.14]

10 Q. How long did you then remain in Phnom Penh?

11 A. I cannot remember it correctly, but I am trying to guess. It
12 was about four -- it was for -- it was for about five to six
13 months in Phnom Penh.

14 Q. Did you then join the underground at the border area with Pol
15 Pot, Ieng Sary, and others?

16 [09.35.25]

17 A. Your Honour, I did not take refuge in the forest with Ieng
18 Sary and Pol Pot. Once in a while, I went to meet them, probably
19 once or -- once every one or two months, in order to report to
20 them the situation in the city and also to receive instruction
21 from Pol Pot as to how we are going to organize our party and the
22 way forwards for our party.

23 Sometime I went there once every month or twice -- once every two
24 months, depending on the necessity of the situation of each
25 circumstance at that time.

11

1 [09.36.17]

2 Q. So you continued your very dangerous work from Phnom Penh,
3 educating, dealing with propaganda, and discussing the situation,
4 about once a month or once every two months, with Pol Pot and the
5 other leaders, near the border in Vietnam?

6 A. Yes, that was correct, Your Honour.

7 Q. Can you tell us when the Office 100 was moved from the border
8 in Vietnam further into Cambodian territory?

9 A. Of my own personal observation, there was movement along
10 Cambodian-Vietnamese border, but, to my knowledge, the land that
11 we were operating was actually the Cambodian
12 soil, Cambodian territory, it did not belong to Vietnam. But at
13 that time Vietnam was suffering from the carpet bombardment of
14 the U.S. That's why Vietnam had to encroach on the Cambodian
15 territory, along Cambodia and Vietnam border. So, as far as I
16 know, the Vietnamese are very intelligent, they contacted with
17 commune chief along Cambodia and Vietnam border and they bought
18 certain pieces of land along Cambodian border so that their
19 people could reside in those areas. So that's what I knew, and I
20 learned it from the Vietnamese whom I had contacted as well,
21 because they told me that this piece of land that they were
22 residing belonged to Cambodia, but they bought it from the
23 commune chief at that time.

24 Q. But Office 100 did move; did it not? Especially as the
25 Communist Party became more successful in taking land and moving

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1 towards Phnom Penh, it moved from time to time; did it not?

2 [09.39.31]

3 A. May I ask for your clarification? What year are you referring
4 to, Your Honour?

5 Q. Well, I don't have the years in front of me, but between 1970
6 and 1975, Office 100 moved from its position near to the border
7 with Vietnam to other provinces such as Kampong Thom, Kampong
8 Cham, and Kampong Chhnang; is that correct?

9 A. I'm sorry. Once again, I would like to know which year you're
10 referring to or which period you're referring?

11 Q. I said: Between 1970 and 1975, Office 100 moved from time to
12 time; did it not?

13 A. Your Honours, to my recollection, from 1970 -- from 1970, Pol
14 Pot convened a Central Committee meeting in one village known as
15 Boeng Lvea village in Santuk district, Kompong Thom province.

16 [09.42.14]

17 The convention of the Central Committee meeting was to designate
18 cadres to work in various sectors and zones across the country.

19 That was in 1970, in October 1970.

20 Q. Now, another matter that I'm interested in is the various
21 policies that were discussed by the leaders of the Workers Party
22 or the Communist Party of Kampuchea. You told the Court, two
23 weeks ago, that, in the 1950s, the Party's strengthened
24 organization improved greatly and that you were planning
25 strategic and tactical policy.

13

1 Were you closely involved in this planning of strategic and
2 tactical policy?

3 A. I'm sorry. Once again, Your Honour, which year are you
4 referring to?

5 Q. Well, in Court, two weeks ago, you told us that, during the
6 1950s -- so I have assumed the decade between 1950 and 1960 --
7 that a great deal of planning of strategic and tactical policy
8 was done.

9 [09.44.21]

10 My question is: Were you engaged in these discussions about
11 strategic planning and tactical policy?

12 A. Your Honour, it is rather long a story. The period between the
13 1950s to the 1960s, it spanned over the period of 10 years or so,
14 over the period of a decade. I would like to inform Your Honours
15 that the Party had not established any strategic or tactical line
16 yet.

17 So, during the period between 1951 to 1957, Tou Samuth organized
18 operational structure in Phnom Penh and he invited me and Saloth
19 Sar for a discussion. He then told us that our Party had not
20 established an independent, strategic, and tactical line yet. We
21 still entirely relying on Vietnam. Everything we -- every move we
22 take, we had to consult with Hanoi; otherwise, that could not be
23 implemented. That's why, at that time, Tou SamouthSamuth
24 requested us to be prepared to devise a strategic and tactical
25 lines step-by-step in order to get rid of the dominance and

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1 control of Vietnam.

2 [09.47.30]

3 Following the instruction from Tou Samuth, who is the most
4 well-respected Party member, Saloth Sar and I, between 1950 --
5 from 1955, '56, and '57, '58 and '59, over the period of four or
6 five years, we were charged with the responsibility to devise
7 strategic and tactical line for the Party while Tou Samuth was
8 ready to back up and to support secretly of this preparation.
9 As for the preparation of the strategic and tactical line, was
10 divided into two parts.

11 The first part was responsible by Pol Pot, and Pol Pot was to
12 follow up the situation in Phnom Penh because he had been in
13 Phnom Penh and he had known some officers from the previous
14 administration, so he could be able to follow up the development
15 in the city very well.

16 And for myself, I was charged with responsibility for contacting
17 the former cadres following the Geneva Conference, in --
18 following the Geneva Conference, in 1954.

19 [09.49.40]

20 I contacted two components. The first one is the cadre from the
21 Northwest of the country, and the second component is cadre from
22 the Southwest of the country.

23 And as for Pol Pot, he contacted cadres from the Eastern Zone,
24 namely So Phim.

25 And once we had contacted those cadres, we asked them for a

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1 report of the development at the rural areas. We wanted to know
2 the developments as well as progress at the rural areas because
3 Pol Pot was well aware of the situation that was developing in
4 the capital at that time.

5 And on our examination of the situations, we noted that, in the
6 countryside, some 80 percent of the population in the countryside
7 are poor peasant. How do we define poor peasant? Peasants were
8 divided into different categories. Landlords are not considered
9 peasants. They are called "landlords". Landlords are those who do
10 not use their labour; they simply hire other labourers to work
11 for them, for example working in the field.

12 [09.51.31]

13 And another class of peasant is considered rich peasant. The rich
14 peasant work using the labour as well, but not that much because
15 they had the ability to hire workers or labourers to work for
16 them as well.

17 The third class of peasant are the upper-middle peasant. They
18 work using their labour as well, but they also hire one or two
19 labourers to work for them in the field.

20 Aside from the upper-middle peasant, we have middle-level
21 farmers, and we also have the landless farmers as well.

22 So there are different layers of farmers. That's why it was quite
23 complicated.

24 [09.52.44]

25 And Pol Pot follow the situation of the different classes in the

16

1 capital, for example teachers and official in the administration.
2 Since then he could follow up all of those different working
3 classes in the capital because he had a strong connection in the
4 city. And then Pol Pot reported the situation to Tou Samuth, of
5 the overall situation from the countryside, and he mentioned that
6 there was a lot of operation and exploitation of farmers in the
7 countryside. For example, if farmers had to work for -- had to go
8 to do farming, they had to borrow capital from others, but that
9 capital is bound with high interest. They had to pay back
10 excessive amount of what they had earned, so the farmers had no
11 ways in order to escape from poverty. That's what we reported at
12 that time to Tou Samuth.

13 [09.54.02]

14 And aside from the operation and exploitation by the landlords,
15 there were officers, for example, commune chief or officers in
16 the countryside, exploited farmers at the grass root level. For
17 instance, they mobilized those poor peasants to work for them
18 without getting any compensation or pay at all. So, at that time,
19 there was the peasant or landless peasant or poor peasant were
20 very or extremely poor and lonely. So it seems that they were
21 devising a so-called policy of isolation of the poor peasant.

22 [09.55.15]

23 As for Pol Pot, he tried to trace the living condition of the
24 file and rank officers in the country. Well, at that time, even
25 though Cambodia was an independent country, but it was not fully

1 independent, based on the observation of the Party.
2 Before we devise the strategic and tactical lines, what were
3 taken into consideration at that time? We had to take into
4 serious condition of the real situation in Cambodian society.
5 What kind of society are we in? So we were discussing and
6 debating around this topic, and we found out that, at that time,
7 Cambodian society was the one of mid-colonialism or
8 mid-feudalism. By "feudalism" I mean that it was not led by the
9 King; by "feudalism" we referred to those who have money and make
10 loan to farmers, but they impose extremely high interest for the
11 loan, as I informed Your Honours earlier.

12 [09.57.00]

13 So we found that it was a society of mid-colonialism and
14 feudalism. There was a legacy of colonialism, and the commune
15 chiefs were very powerful at that time, and they oppressed and
16 exploited farmers. So, based on these analyses, we also found
17 that, even in the city itself, there were also capitalists, but
18 they were not a form of national capitalists, but it was owned
19 mainly by foreigners, namely the Chinese capitalists. Sometimes,
20 they were called "comprador capitalists", representing the
21 interest -- represent foreign interest, particularly those
22 importer and exporters. At that time, there was an assistance
23 from the United States, and they were in favour of comprador
24 capitalism. It was not like going to buy commodities for business
25 transaction, but they mainly deposited money in a bank in Hong

1 Kong in order to get profit.

2 [09.59.00]

3 So, by taking into consideration all of these facts, we three
4 were of the opinion that our society back then, was mid-feudalism
5 and colonialisms; we were not totally independent. It was obvious
6 that we were living in a mid-feudalism, because there were
7 capitalists who take advantage of the poor.

8 Once we analyzed those situations, we are certain at that time
9 that we are in the middle of both colonialism and feudalism. Then
10 we asked ourselves: What form of revolution should we take?
11 Should we go for socialist revolution or any other form of
12 revolution?

13 We discussed among ourselves for many days, back and forth, then
14 we decided that, if the real situation in Cambodia was a
15 mid-feudalism and semi-colonialism, or semi-feudalism, then we
16 had to carry out the national revolution.

17 What is constituted a national revolution? National revolution is
18 the ones that combatting, again, foreign interference, and we
19 have to combat against the influence of those capitalists who
20 make loans with high-interest rates to farmers, so that we can
21 revive the condition of -- living condition of farmers, so that
22 farmers can be relaxed in doing their farmings. And if they are
23 in debt, they could pay it off more easily. For example, if they
24 borrow 100, they have to pay 50 as interest; then we should bring
25 it down to 20, for example.

1 [10.01.56]

2 So there was a lot of discussion and explanation over how we went
3 about doing that. It was not an easy task.

4 So the real motive behind Cambodian revolution at that time, it
5 was the motive of national democratic revolution, and this
6 movement is to combat against the semi-colonialism. And by
7 "democratic" it means we combat against feudalism and landlords.
8 That was the real motive behind this movement. So we had to
9 understand the very motive behind this revolution. That was the
10 second reason.

11 And the third one: if the real nature of the revolution of the
12 Cambodia was meant to be the revolution for the people and
13 democracy, who could have been our enemies? Our enemies were
14 foreigners, those who were remnants of the foreign-owned regime,
15 for example those who still exercised power to be inflicted onto
16 the people.

17 [10.03.52]

18 And the semi-feudalism was meant to help the farmers -- the
19 peasants --, free themselves from being greatly in debt, being
20 trapped in the very high interest rates inflicted on them by
21 feudalists. So we really treated their activities as our enemies,
22 not the persons themselves.

23 And how could we deal with such situation? I would like to go to
24 point number four. Who would be the revolutionary forces, at that
25 time? The poor peasants -- the lower-middle class peasants --

1 those who were the forces for the revolution, for the nation, and
2 democracy.

3 [10.05.08]

4 Apart from that, there were other people who were nationalists or
5 who had national conscience and democracy. We did not really
6 reject their involvement. For example, the middle class peasants
7 or the rich peasants, although some of whom may have inflicted
8 exploit -- or may have exploited -- oppressed -- the poor
9 peasants, but if we noted that they could be integrated into our
10 cause, then they could be accepted as well, as our forces.

11 [10.05.50]

12 Point number four. Where should we conduct such revolution -- the
13 revolution for the nation and democracy? Everything had to start
14 from the rural areas -- remote area. And this has to expanded
15 into the provincial or cities. We conducted the revolution based
16 on the notion of a drop of gasoline -- so-called drop of gasoline
17 revolution. And how could we really struggle, or conduct such
18 resistance? We had to go semi-legal and semi-illegal. We worked
19 both politically, economically, culturally, and we never
20 abandoned, if necessary, the idea that -- the idea of having
21 armed struggle. But that's only in special circumstance, only.
22 Then this brought another issue. Who led such revolution? It was
23 only the Communist Party of Kampuchea alone, and the leadership
24 of the Communist Party of Kampuchea that could lead the
25 revolutionary movement for the nation and for the people -- for

1 democracy.

2 [10.07.54]

3 Point number six: What could have been our slogan to achieve such
4 a revolution? We had to struggle for a long period of time, we
5 had to endure pain and suffering, self-mastery, or self-reliance.

6 It is we who determined the fate of our own nation.

7 If needed, we had to also contact our friends -- countries who
8 were our friends, who loved peace and justice. And our struggle
9 was to protect our country, our sovereignty, and our territorial
10 integrity. And it was included in our strategic policy, which
11 included part of the slogans that I cited.

12 [10.09.12]

13 What could have been our tactics? We had strategy, but failing to
14 include the tactics in our revolution, it would go nowhere,
15 because strategy is a long-term vision. We never knew when the
16 revolution could have been achieved, so the political -- or
17 tactical -- line was the line to be implemented during any
18 certain and practical situation suitable for the current
19 situation. However, we never abandoned the strategic line or
20 policy, because strategic policy would be the guide for tactical
21 policy, without which we would be misguided.

22 [10.10.33]

23 What is the front policy or tactical policy? We indeed had to
24 gather forces of all nationalities. Those who love the country --
25 the people, those who had no discrimination against people with

1 regard to their political background, regardless of minority
2 groups or other people -- these people had to be integrated into
3 a mass movement -- a mass patriotic movement to conduct this
4 revolutionary course.

5 This tactical line could change, depending on each situation.
6 However, it never stray too far away from these strategic line,
7 because our motive was, of course, for the revolution for the
8 people and for democracy.

9 [10.12.10]

10 After having the strategic line -- I'm afraid I'm too exhausted
11 now. After having the strategic and tactical line, Kampuchean
12 revolution evolved, progressed, gradually. Before that, there was
13 only the ambition to fight for our country, but our cause was
14 really not well guided. These strategic and tactical lines really
15 guided us very well because we learned from it, and the lines
16 were educated -- or implemented not only in the Standing
17 Committee.

18 [10.13.15]

19 It also would be mainstreamed at the branches at commune levels.
20 People would be asked to attend sessions so that they could be
21 informed of these lines. And we listened to people from communes,
22 from districts, from sectors, from zones, and we combined the
23 input so that we could finally have the strategic and technical
24 line. And people would then be re-educated and trained, and we
25 could see that, although there was only party, the idea of the

1 democracy seemed to be the centralized one.

2 [10.14.21]

3 We listened to the majority opinions, mainly, but we never
4 rejected minority input, because we had to reserve,. At some
5 point in the future, we may resort to the minority opinions. In
6 1960 there was a second party assembly, or congress. So far as I
7 recall, it was in 1960, indeed, that the congress -- sorry -- the
8 first congress was held in 1960, when the strategic and tactical
9 line was adopted and approved and implemented accordingly.

10 In the implementation of the line, some people who had to
11 implement it didn't understand them -- it, properly. For example,
12 our idea was to do against the feudalism, but people tend to
13 attack the King, because people believed that attacking feudalism
14 mean to attack the King.

15 [10.16.01]

16 So they misunderstood our notion, but actually we meant -- to
17 attack the feudalism, it means that we had to really attack
18 people who leant money to farmers or peasants and getting high
19 interest. So we had to really train them time and again so that
20 they could not be misled.

21 It was time-consuming, indeed, before the line could have been
22 well-achieved. During the implementation of the tactical and
23 strategic line, we fought against the Lon Nol -- the American
24 imperialists -- and we won the battle.

25 [10.16.57]

24

1 It was in 1975 -- the 17th of April, 1975 -- we won the war. The
2 fighting took place all the way from 1970-71 through 1975. It
3 took us five years. Vietnam once said there was never before a
4 revolution that could really liberate a city. But we still faced
5 some obstacles. This line was not discussed or approved by the
6 Communist Party of Vietnam. We did it ourselves, determined the
7 fate of our nation by ourselves. Vietnam really opposed this
8 line, because he -- they said that this line was not proper, it
9 was not right.

10 [10.18.29]

11 However, Zhou En-lai said that our political line and tactical
12 line, which was incorporated based on the analysis of the real
13 situation, was a proper one. So Communist Party of China
14 supported this line adopted by the Communist Party of Kampuchea,
15 while Vietnam remained silent.

16 [10.19.05]

17 Vietnam seemed to take it for granted when it comes to our
18 political line and, for that reason, Vietnam tried to derail the
19 course of our revolution. They did not want to see that Cambodia
20 had a proper and precise political or strategic or tactical line
21 because Vietnam was aiming to liberate Prey Nokor in 1976, but
22 Cambodia liberated Phnom Penh sometime before the liberation of
23 Prey Nokor by Vietnam.

24 I hope I have already responded to Your Honour question.

25 Q. Thank you. That's very interesting and detailed.

25

1 I'll ask you one more question before the break and that is: Did
2 the Communist Party of Kampuchea, during this period of
3 discussing the strategic and tactical lines of the Party, also
4 develop a statute which was adopted by the General Congress in
5 1960?

6 A. I don't remember the details, but there was an adoption of a
7 party statute; indeed it was adopted. I just don't remember when
8 it was adopted. There -- the statute composed of 30 articles. I
9 don't remember the detail of the articles because it has already
10 been long ago and the party was already dissolved.

11 [10.21.53]

12 Q. Was this the same statute that the Communist Party of
13 Kampuchea used when it took over the whole of the country in
14 April of 1975?

15 A. So far as I recall, the statute was not immediately
16 implemented; a few months later that it was then implemented.

17 MR. PRESIDENT:

18 Since it is an appropriate time for an adjournment, the Chamber
19 will take 30 minutes' adjournment. We will resume at ten to
20 eleven.

21 Security personnel are now instructed to take Nuon Chea back to
22 the seat behind his Counsel and return him to the dock when the
23 Court resumes its next session.

24 (Judges exit courtroom)

25 (Court recesses from 1023H to 1106H)

1 (Judges enter courtroom)

2 MR. PRESIDENT:

3 Please be seated.

4 [11.06.47]

5 The Court is now back in session.

6 Mr. Nuon Chea, you may now proceed.

7 MR. NUON CHEA:

8 I think I'm not strong enough to remain seated here to respond to
9 more questions. Could you -- could I, therefore, ask that I be
10 returned to the detention facility? I'm too tired now.

11 (Judges deliberate)

12 MR. PRESIDENT:

13 Judge Cartwright, you may now proceed.

14 BY JUDGE CARTWRIGHT:

15 Yes, thank you, President.

16 Q. During the morning break, your doctor, Nuon Chea, said that he
17 had checked your health and that you were able to continue. The
18 Trial Chamber realizes that you are tired and suggesting that I
19 continue to ask you questions for half an hour and then you can
20 take a long break over the lunch period. Are you prepared to
21 answer questions for another half hour?

22 MR. PESTMAN:

23 I think my client has a right to consult his lawyers before
24 answering this question.

25 [11.11.57]

27

1 JUDGE CARTWRIGHT:

2 I asked Nuon Chea, Mr. Pestman, and then he can consult with you.
3 Do you feel able to continue for half an hour?

4 MR. NUON CHEA:

5 I'm afraid I may not be able to continue for another half an hour
6 because I realize myself that my blood pressure has been high and
7 it tells me that even I try to respond to questions, I'm afraid
8 the response could not be as precise as when I am healthy. So
9 please allow me to have a rest.

10 [11.12.59]

11 MR. PRESIDENT:

12 As a result of a health concern, as indicated by Nuon Chea that
13 he would not be able to respond to more questions by the Chamber
14 and that his blood pressure has been high and asked that he be
15 excused -- returned to the detention facility, the Chamber notes
16 that due to this health issue he may be allowed to take a rest
17 but he would be taken to the holding cell downstairs. I reject
18 his request to have him returned to the detention facility.

19 Detention personnel's are now instructed to take Nuon Chea to the
20 holding cell prepared for him, in which audio visual equipment is
21 installed and connected so that Nuon Chea, himself, can still
22 observe the whole proceedings. AV personnels are now instructed
23 to ensure that the equipment is well connected. Please return
24 Nuon Chea to the court room in the afternoon session.

25 [11.15.04]

1 MR. NUON CHEA:

2 May I ask Your Honours that I be excused entirely from the
3 courtroom and the holding cell and be returned to the detention
4 facility, where I can have a good rest, and I feel that being
5 there in the detention facility, I may have a good rest and be
6 able to return to the courtroom on the following day for further
7 testimonies and responses.

8 Even if I am returned to the holding centre, I can still feel
9 that it is not different from being here in the courtroom. I
10 don't feel comfortable.

11 MR. PRESIDENT:

12 The Chamber has already ruled on this. And secondly, the Accused
13 can participate through two means. First, directly in person,
14 indeed, and in a situation when an Accused has waived his right
15 to participate in the proceedings in person, he or she shall be
16 instructed to observe the proceeding from the holding cell when
17 the audiovisual equipment is connected so that he could really do
18 so.

19 The Chamber will not waste any moment of the time unnecessarily
20 and we will do our best to make sure that the proceeding can move
21 as smooth as possible.

22 [11.17.05]

23 During the time when you already asked that you would be taking
24 some rest, the Chamber will take this opportunity to hear
25 testimonies from other witnesses so that we can fill in the gap

29

1 of time and that the trials will be conducted as expeditiously as
2 possible.

3 Personnel security -- security personnels, rather, are instructed
4 to take him now to the holding cell.

5 (The accused Nuon Chea exits courtroom)

6 Greffier, could you please report to the Court where the civil
7 party PWCP-185 is present?

8 THE GREFFIER:

9 Mr. President, the civil party summoned by the Court is present
10 and awaiting invitation from the Court to bring him in.

11 Thank you.

12 [11.18.18]

13 MR. IANUZZI:

14 Good morning. Your Honours, just to reiterate, we did indicate
15 this morning that Nuon Chea would wave his right to participate
16 in the testimony of the civil parties. So does that mean he will
17 not be returned to his cell? He will be forced to participate
18 from the holding area? Because we clearly made a waiver, so that
19 meant he's waiving his right to participate at all.

20 [11.19.02]

21 MR. PRESIDENT:

22 We believe that the Chamber has made it very clear, and the
23 public and parties have already been well-informed. We have no
24 need to clarify on this. Court officer is now instructed to bring
25 witness TCCP-185 into the courtroom.

1 (The witness is taken to the dock)

2 Before we proceed to hear the testimony of the first civil party,
3 the Chamber would like to remind and inform parties that, on
4 Monday, the Chamber informed the parties that it intended to hear
5 civil parties TCCP-185 and 123, following resolution of a number
6 of technical issues affecting them.

7 The Interpretation and Translation Unit has recently conducted a
8 linguistic assessment of these two civil parties. They are not
9 native speakers of Khmer, although they will speak before the
10 Chamber and be heard in Khmer. The parties were advised to keep
11 their questions as short as simple -- rather, as short and simple
12 as possible.

13 [11.21.36]

14 To assist them, these civil parties will be accompanied and
15 supported in Court -- support by an ECCC interpreter. All
16 communications in the courtroom between this interpreter and the
17 civil parties will, however, be conducted in Khmer. On Monday,
18 the Lead Co-Lawyers filed a motion alleging that civil party
19 TCCP-123 is medically unfit to appear before the Chamber. The
20 Chamber has since clarified that, once an individual is summoned
21 to appear before the Chamber, it's for the Chamber to - alone, to
22 determine whether that individual shall appear. No party can
23 unilaterally decide this issue.

24 [11.22.58]

25 The Chamber does not consider that it requires a medical

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1 assessment of TCCP-123. Having been summoned, they shall,
2 however, appear in Court in order to personally respond to these
3 summons. The Chamber was informed by the Witness and Expert
4 Support Unit, on Monday, that TCCP-123 is willing to provide
5 testimony and to assist the Chamber if required.

6 At a later point, once we are advised by the Audiovisual Unit
7 that the video link for first witness, Long Norin, is ready and
8 operational, the Chamber advises the parties and the public that
9 one of the witnesses to be heard by the Chamber will be heard
10 before the Chamber by video link. This witness is elderly, frail,
11 and in very poor health. His state of health fluctuates from day
12 to day. He also lives in a remote location, and the Chamber faced
13 considerable technical challenges in setting up a functioning
14 video link to hear this witness. For this reason, and once the
15 Chamber is informed that the video link is functioning and the
16 witness well enough to be heard, the Chamber will hear that
17 witness immediately, even if this involves a departure from the
18 witness order previously indicated to the parties.

19 Next, we proceed to the hearing on the testimonies of the civil
20 parties.

21 [11.26.05]

22 QUESTIONING BY THE PRESIDENT:

23 Q. Civil party, is your name Klan Fit?

24 MR. KLAN FIT:

25 A. That is correct, your Honour.

1 Q. How old are you?

2 A. 53 -- rather, 65. I am illiterate, I don't write or read, but
3 indeed I am 65.

4 Q. What is your ethnicity?

5 A. Kachok -- actually, our ethnicity only live in five villages
6 now.

7 Q. Where do you live -- where were you born, rather?

8 A. (Microphone not activated)

9 MR. PRESIDENT:

10 Could you please wait until you hear the red light on the mic
11 before you respond?

12 [10.27.08]

13 QUESTIONING BY MR. PRESIDENT:

14 Q. Question again: Where were you born?

15 MR. KLAN FIT:

16 A. In village.

17 Q. Was In village in Rattanakiri?

18 A. Rattanakiri. Actually, In village, Ta Lav sub-district.

19 Q. Where do you live?

20 A. I lived -- I am living at the same birthplace.

21 Q. What is your occupation?

22 A. (Microphone not activated).

23 Q. What is your wife's name?

24 [11.28.22]

25 A. Are you asking me about my current wife or my previous wife?

1 Because my previous wife was already executed. My current wife is
2 also a Kachok tribe woman.

3 Q. What is her name?

4 A. (Microphone not activated).

5 Q. What is your current wife's name?

6 A. (Microphone not activated).

7 Q. How many children do you have?

8 A. We do not have any children. We have been married for five
9 years. We are old people.

10 [11.30.00]

11 Q. After the 17th of April 1975 to the 6th of January 1979, what
12 did you do for a living?

13 A. (Microphone not activated).

14 MR. PRESIDENT:

15 The Assistant, could you inform the civil parties to wait to
16 until the mic is activated before he answers?

17 [11.30.36]

18 MR. PESTMAN:

19 Your Honour, could I raise a point of order? I have a question
20 for the Bench.

21 MR. PRESIDENT:

22 Your request is not granted.

23 MR. PESTMAN:

24 I think -

25 MR. PRESIDENT:

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1 We have already informed you, with regard to the memorandum
2 concerning the orders of questionings. And before these
3 proceedings, we have already informed you on this, again. You are
4 not allowed to address the Court now.

5 MR. PESTMAN:

6 (Microphone not activated)

7 MR. PRESIDENT:

8 What do you have to say?

9 [11.32.04]

10 MR. PESTMAN:

11 Thank you.

12 I'm familiar with the memorandum but I was intending to address a
13 different point.

14 My question was -- which I wanted to address to you -- is whether
15 this person has been put under oath. Is this person here to
16 testify about the damages incurred or is this person here going
17 to testify about the facts?

18 If so, then we think -- and we take the position -- that this
19 person should be put under oath.

20 But I'm unfamiliar with the procedure, so I do not know whether
21 this person has been put under oath before coming into court.

22 [11.32.55]

23 MR. PRESIDENT:

24 Pursuant to the Criminal Procedural Code of 2007, the applicable
25 law before the ECCC, and the Internal Rules of the ECCC do not

1 require civil party to take an oath.

2 MR. PESTMAN:

3 Yes, thank you.

4 But then the question arises whether this person will testify
5 about the damages incurred or also about the facts, and, if so,
6 what the value is of this statement and whether it can actually
7 be used as evidence.

8 I don't know what the position of the Bench is.

9 [11.34.08]

10 MR. PRESIDENT:

11 Lead co-lawyer, you may now proceed.

12 MR. PICH ANG:

13 Thank you, Mr. President, your Honours.

14 The question put by the counsel for the Accused is not
15 appropriate. The memorandum by the Chamber has been very clear.
16 Document 141 states very clearly that witness or civil party may
17 testify in relation to the facts, and the rule does not say that
18 at any moment the civil party could be a witness.

19 MR. PRESIDENT:

20 Judge Lavergne, you may now proceed.

21 JUDGE LAVERGNE:

22 Thank you, Mr. President.

23 [11.35.39]

24 May I make some explanations? Because I believe that these
25 provisions of Cambodian law -- which are also applied in French

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1 Civil Law -- the rule is clear. Civil parties are parties to the
2 proceedings and, in this capacity, they can testify without
3 taking an oath, they can testify with regard to prejudice that
4 they claim to have suffered, including facts on which they can
5 make submissions, including the charges against the Accused.
6 There will be time for assessing the value of their testimonies,
7 and I think this point is not subject to dispute.

8 MR. KONG SAM ONN:

9 Mr. President, may I be allowed to make some observation with
10 regard to the interpreter? You indicated that the person who is
11 now next to the civil party is an interpreter and that the civil
12 party is not speaking Khmer as a native Khmer.

13 According to the Penal Code of 2012, says the counsel, Article
14 115 of the Code indicates that the Chamber needs to find an
15 interpreter and that the interpreter shall be bound by another
16 provision in which he has to taken oath. I would refer to Article
17 144 of the same Code for the interpretation section.

18 [11.37.40]

19 MR. PRESIDENT:

20 Thank you for your observation.

21 The Chamber would like to inform counsel that liaison concerning
22 the testimonies of the civil party here is that interpreter is
23 not to interpret for the civil party. The civil party will give
24 his testimony in Khmer and only if his Khmer understanding is
25 limited that the interpreter would be ready to assist in filling

1 in this gap. We do not really have any professional interpreters
2 available in Cambodia who can render from the language the civil
3 party is now testifying, so the interpreter in this courtroom is
4 not here to interpret for him but to facilitate his understanding
5 of the language being -- the questions being put to the civil
6 party.

7 [11.39.03]

8 He, indeed, is not a professional interpreter who could render
9 from the language the civil party is willing to speak -- I mean,
10 Kachok language.

11 According to the internal rule and the document issues on the
12 23rd of 11, 2011, the Co-Prosecutors will be handed over the
13 floor indeed to put questions to the civil party.

14 MR. PICH ANG:

15 Mr. President, could we ask that the right to make question --
16 put questions -- to the civil party be now transferred to Moch
17 Sovannary first?

18 MR. PRESIDENT:

19 (No interpretation)

20 MS. MOCH SOVANNARY:

21 Thank you, Mr. President. Good morning Uncle Klan Fit.

22 I would like to proceed with some questions, and if you find that
23 I am too fast while putting the questions, you may ask me to slow
24 down and repeat them.

25 My first question is about your historical background concerning

1 your engagement in the revolutionary -- or revolution, until
2 1975, when Khmer Rouge revolution took over Phnom Penh.

3 [11.41.17]

4 Do you understand my questions?

5 MR. KLAN FIT:

6 Yes, I do.

7 QUESTIONING BY MS. MOCH SOVANNARY:

8 Q. Question number one: Before you started joining the
9 revolution, where did you live, and what was your life condition?
10 Was it hard? Easy? Please tell the Court about this.

11 MR. KLAN FIT:

12 A. I was born in In village, district 21 in Bar Kaev.

13 Q. Could you tell the Court, before you joined the revolution,
14 and you live in In village, could you tell us what your life was
15 like?

16 A. Before I joined the revolution, I worked as official and I
17 also worked as a businessman, but when I joined revolution, life
18 was more complicated than before.

19 Q. Question number two. When you joined the revolution, do you
20 remember when was it?

21 A. I don't remember the exact date because I don't read nor
22 write, so I could not remember the date.

23 [11.43.21]

24 I joined the Khmer Rouge at the beginning, and I was asked to
25 contact cadres to help the movement.

1 Q. At the beginning, who introduced you -- or cajoled you -- to
2 join the revolution?

3 A. Uncle Chea (phonetic), Uncle Vong (phonetic) -- they're
4 Laotians -- and Uncle Vy (phonetic), who was Cambodian, from
5 Kampot province. These people, of course, introduced me to the
6 revolution.

7 Q. When you were introduced into the revolution, what kind of
8 persuasion -- persuasive message, actually, was conveyed to you
9 so that you were convinced? Do you remember?

10 A. I do remember. They said if we did not join revolution we
11 would not be able to survive.

12 [11.44.49]

13 We joined the revolution to liberate the country from being
14 oppressed, exploited by the enemies, by the feudalists and we
15 started to feel that these enemies really oppressed us, and it's
16 more like they have destroyed our houses, bridges, so if we
17 didn't join the revolution we could not survive.

18 Q. When you joined revolution, did you at that time, or did you
19 not, understand the term revolution?

20 A. I did understand, later. At the beginning I asked what
21 revolution was.

22 [11.45.48]

23 But, indeed, revolution means economies, means doing farming to
24 make sure we are economically strong so that we can really
25 conduct the revolution.

40

1 Q. After such explanation of the revolution, how could you be
2 convinced to join the revolution? Did you join the revolution
3 voluntarily?

4 A. I was compelled to join the revolution. I was submitted to
5 their influence, that's why I had no choice but to join the
6 revolution.

7 Q. When you joined revolution at the beginning, do you remember
8 what kind of tasks you were given?

9 A. First, I was asked to contact people officially, sending mails
10 and dealing with economics. For example, when they meet, I would
11 also be asked to help with the meetings, and they asked me to
12 build houses.

13 [11.47.10]

14 We were afraid of Lon Nol's soldiers at that time, because if Lon
15 Nol's soldier knew that we worked for the revolution we would be
16 decapitated -- or beheaded, rather--

17 MR. PRESIDENT:

18 Counsel, could you please pause so that interpreter would be able
19 to fully grasp your message?

20 BY MS. MOCH SOVANNARY:

21 Q. --I would like to proceed with another question: You said
22 people who led the revolution asked you to help carry mail. Were
23 you their messenger, at that time?

24 MR. KLAN FIT:

25 A. Yes, I was. I had to carry mails to places to contact cadres

1 at different places.

2 Q. Can you tell the Court to whom you sent the letters to -- or
3 carried the letters to?

4 [11.48.30]

5 A. There were two locations, Lumphat and Wokout (phonetic)
6 districts that I had to bring the mails to.

7 Q. Thank you. Just now you said you were asked to help in
8 economic session -- section. Could you please tell us what was it
9 like being in that economic section?

10 A. Indeed, doing revolution you had to improve economy otherwise
11 it was not successful to do revolution.

12 Q. What else were you asked to do? For example, any other tasks
13 other than sending mail or dealing with the economics?

14 A. I was a village chief -- I was appointed as a village chief.

15 Q. Could you clarify who appointed you a village chief?

16 A. It was Om Sin Se, Ta Chea (phonetic) and Om Vong.

17 Q. Thank you. On your behalf as a village chief, what were you
18 required to do for the revolution?

19 A. I was in charge of a group. There were about four or five
20 groups in order to do cultivations.

21 Q. Right. You also specify that you were required to educate
22 peoples to do farming or other cultivations jobs. Could you
23 describe how these works were done? Was the work done privately
24 or they were done in other way?

25 A. They told us that once we have the productions, that will help

1 the revolution.

2 [11.51.30]

3 Q. Thank you. Did the revolution require you to -- or specify the
4 exact amounts of the products to be produced in order to support
5 the revolution?

6 [11.51.47]

7 A. They required two people to work in the field.

8 Q. So it means -- it means that you need to produce a package of
9 food; and how many kilograms are there in a (inaudible)?

10 A. There were 12 kilograms of the products and we need to produce
11 12 package -- packages.

12 Q. I would like to know whether you volunteer to give these
13 products to the revolution or you were required to provide to the
14 revolution. Were you happy to do so?

15 A. I was afraid. We had to help the revolution.

16 Q. Thank you. Besides Mr. Thang Sy, who you said had introduced
17 for you to join the revolution, were there any other senior
18 leaders of the Khmer Rouge who contacted you when you were
19 required to do jobs?

20 A. Yes, there was. Here Mr. Ieng Sary, Uncle Ieng Sary.

21 [11.53.30]

22 Q. Besides Mr. Ieng Sary, were there any other people who
23 contacted you to do work?

24 A. No, no-one else. It was only Ieng Sary.

25 Q. Thank you. You said you met with Mr. Ieng Sary. When was that

1 that you met Mr. Ieng Sary?

2 A. I met him in Indonia, in Indonia District, but I don't know
3 when it was. It was after the Lon Nol coup d'état.

4 Q. Did you meet him frequently?

5 A. I was called to attend the meeting two times. That was it.

6 [11.54.39]

7 Q. You said you were called to attend meetings. I would like to
8 know what he said during the meetings or what he told you during
9 the meetings?

10 A. I was told about the party statute.

11 Q. Did you remember the substance or the exact words that he said
12 to you?

13 [11.55.23]

14 A. He said people at the commune and district levels were called
15 to attend a meeting so that their knowledge could be improved in
16 order to assist the revolution; that these people have to have
17 firm position and without this firm position we cannot survive.

18 Q. Because the North Zone is near the North East Region; were you
19 told about the policies or any things like that?

20 A. We were told to educate other peoples at the commune levels.
21 They were talking about Yuons -- or we were told that if we use
22 the word Yuons, it seems that we were against them. That's what
23 he said.

24 And then he said I joined the Vietnamese Party and so I was
25 arrested and detained in Phnom Penh on the 9 September 1978.

1 [11.56.42]

2 Q. I would like to ask you more regarding the period priors to
3 the 1975. Do you know what roles Mr. Ieng Sary took during that
4 time?

5 A. He was the North East Zone Committee, but I'm not sure what
6 roles they were.

7 Q. Thank you. Do you know how many people were there in the
8 committee -- in the North East Committee?

9 A. I was told that there were Uncle Pot, Nuon Chea and Khieu
10 Samphan, and these are members of the Committee and I saw their
11 faces. That include Thang Sy as well those people who were from
12 Vietnam.

13 Q. You mention about Uncle Pot. Can you specify his full name?
14 Who was Uncle Pot?

15 A. It is Pol Pot.

16 Q. Thank you. In your interview record before the Investigating
17 Judges, in page 3, in the Khmer language, you answered that in
18 1970 you and other villagers were asked to join the people in the
19 jungle in order to build a house for Ieng Sary; is that true --
20 and Pol Pot, houses for Ieng Sary and Pol Pot; is that true?

21 [11.58.59]

22 A. Yes, it is.

23 MR. KARNAVAS:

24 If I may lodge an objection, this is clearly a leading question.
25 Going into the statement, she is to elicit information from the

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1 witness. If the witness doesn't remember, she may ask the witness
2 to refer to the statement, but she shouldn't be using the
3 statement as a basis. Now, she's been leading in the past; I
4 haven't objected, but I will object and I don't want to disrupt
5 the proceedings.

6 MR. PRESIDENT:

7 Thank you, Counsel, for your objection against a leading
8 question.

9 The Chamber reminded since Monday that counsels and lawyers
10 should avoid putting leading questions. So once again, civil
11 party lawyer, on your behalf of the lead co-lawyers, is advised
12 to rephrase your question and try to avoid asking any questions
13 that are not allowed under the law.

14 [12.00.25]

15 It is now appropriate for us to adjourn for lunch break. The
16 Chamber announces the lunch break from now on until 1.30 this
17 afternoon.

18 Security personnel are now instructed to bring the two accused
19 back to the holding cells downstairs and bring them back by 1.30.

20 The Court is now adjourned.

21 THE GREFFIER:

22 All rise.

23 (Judges exit courtroom)

24 (Court recesses from 1201H to 1330H)

25 (Judges enter courtroom)

1 MR. PRESIDENT:

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

3 We continue hearing the testimonies of the civil parties this
4 afternoon. Before we hand over to the lead co-lawyers for the
5 civil parties, could the lawyer be advised or reminded that you
6 speak rather slowly because we have noted that you spoke rather
7 fast. It would be important for the record and for the
8 interpreters and leaving some pause for the question to be put
9 and answer to be made it would be precisely clear for
10 interpreters and the recorder to record this.

11 Now, civil parties, you may now proceed.

12 [13.32.59]

13 MS. SIMONNEAU-FORT:

14 Yes, Mr. President.

15 Before we resume the examination of Mr. Klan Fit, I would like to
16 put a question to the Chamber: In its Memo 145, the Chamber ruled
17 that parties may exceptionally request leave to examine a witness
18 beyond issues that are earmarked for a particular segment.

19 In Case number two, for reasons of proper management, would it be
20 possible for parties that would like to make such a request do so
21 before the examination in-chief so that we may adapt our
22 examining of the witness accordingly? It would be good for you to
23 clarify this issue before we proceed.

24 Thank you.

25 MR. PRESIDENT:

1 The Chamber has already informed the party already with reference
2 to the memorandum as referred to by you just now. And on Monday
3 the Chamber also advised the parties with regard to the
4 examination of the Accused and witnesses and the civil parties
5 during trials.

6 The first segment of the trial, the case which is now called Case
7 001 -- rather, Case 002/01 and the examination shall be taking
8 place one segment at a time. And we are now focusing on the
9 issues relevant to the paragraphs that have already been read out
10 by the greffiers concerning the structure of the Democratic
11 Kampuchea and the historical background of each individual
12 accused.

13 [13.35.30]

14 During this examination of civil party, parties are advised to
15 limit their questions to only matters relating to this first
16 segment: the first phase and second phase of the evacuation. We
17 hope that parties have already been informed since documents have
18 already been communicated to them.

19 MS. SIMONNEAU-FORT:

20 To be sure I have properly understood what you have stated: if a
21 party wishes to request exceptionally leave to ask questions on
22 other subjects, would the Chamber deny such leave in the case of
23 Mr. Klan Fit?

24 I am of the view that at least the parties should be able to ask
25 questions on the issues in questions today, and I would like to

1 know, therefore, whether the Chamber would grant such leave or
2 not before we proceed with our questioning of the witness. Your
3 ruling would be of much assistance to us.

4 MR. PRESIDENT:

5 We believe that the -- through our memorandum, parties have been
6 informed already concerning these procedures. In particular, if
7 parties wish to put questions to an expert witness or civil party
8 which is departing from the facts as indicated in the memorandum,
9 such departure from that topic will be most likely rejected by
10 the Chamber.

11 MR. DE WILDE D'ESTMAEL:

12 Good afternoon, Mr. President, Your Honours.

13 In this regard I would wish to request the Chamber to enlighten
14 the parties on what it means by exceptional reasons that may
15 justify a situation in which we would go beyond issues relating
16 to the first trial segment.

17 What we are interested in today is what you mean by "exceptional
18 reasons". This would help us to prepare our questions for
19 witnesses and civil parties.

20 Thank you.

21 (Judges deliberate)

22 [13.39.42]

23 MR. KARNAVAS:

24 May I be heard, Mr. President, because I believe the questions
25 that have been asked this afternoon have already been answered at

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1 the informal Trial Management meetings. There's no reason to
2 waste time in this courtroom on these matters.

3 If someone wishes to go beyond the scope, certainly they can seek
4 leave. That leave should be done well in advance so nobody is
5 ambushed, and that would give Your Honours an opportunity to
6 decide whether to grant that leave or not.

7 But the second question was particularly answered a couple of
8 times. Those who oppose the questions, regrettably, were not at
9 the informal Trial Management meetings.

10 We will be happy to provide them with the minutes that we took of
11 those meetings; that perhaps may assist them in understanding how
12 these issues were discussed and resolved.

13 Thank you.

14 [13.40.39]

15 MR. PRESIDENT:

16 Thank you, Counsel, for this.

17 We hope that parties have been fully aware of this, but the
18 Chamber wishes to clarify again, that we would like to refer to
19 the combined facts as listed in the document for our first
20 segment of the trial, Document 124/7/24, Correction 2.

21 Parties who wish to go beyond the scope, as indicated in this
22 document, has to really request their leave in advance with
23 reasons for such request for leave to go beyond the scope.

24 [13.42.03]

25 And as counsel for Ieng Thirith already indicated, there had been

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1 several meetings and discussions before we came to today's
2 sessions with reference to the severance of the trials. For
3 example, by ways of sever them into segments of mini-trials so
4 that we can speed up the proceedings. We believe that this
5 document is significant enough for parties to be well informed.

6 MS. SIMONNEAU-FORT:

7 Thank you, Mr. President, for these clarifications.

8 I have carefully read the memorandum and what I gathered from
9 your remarks now is that none of the parties here present wish to
10 request exceptionally whether it is possible for them to question
11 Klan Fit on other subjects because no-one has done so
12 sufficiently in advance, so we therefore believe that there will
13 not be issues raised beyond the first trial segment. That is what
14 I have understood by the term "sufficiently in advance".

15 I wanted this to be clear because our questioning of the civil
16 party is independent of what may follow subsequently.

17 MR. PRESIDENT:

18 May parties be reminded that before the examination on the Monday
19 morning, the Chamber already reminded the parties and that we try
20 to avoid any disruption of the Court proceeding, and we already
21 made it clear.

22 Now, Counsel for civil party, you may now proceed.

23 [13.44.08]

24 MS. MOCH SOVANNARY:

25 Thank you, Mr. President.

1 MR. IANUZZI:

2 Just for the record, this is further to the comments of Judge
3 Lavergne earlier today.

4 I would like to read this into the record because it may be
5 necessary to make submissions on it at a later date. I'm just
6 reading from Cambodian Code of Criminal Procedure, Section 3,
7 Conduct of Trial Hearings; this is Article 312: "A civil party
8 may never be heard as a witness".

9 I'm sure my Cambodian colleagues will be able to expand on that a
10 bit if and when necessary.

11 Thank you.

12 [13.44.47]

13 MR. PRESIDENT:

14 Judge Lavergne, you may proceed.

15 JUDGE LAVERGNE:

16 If I properly understood the remark made by Nuon Chea's counsel,
17 he is talking about Article -- I don't remember which article you
18 are referring to -- Article 312 of the Cambodian Penal Code,
19 which specifies that a civil party may never be heard as witness.
20 Is that what you said? I am asking this question regarding the
21 meaning of that provision.

22 That provision, which is similar to the provision in French Civil
23 Law, it simply means that a civil party does not take the oath as
24 a witness. If a civil party has to testify to facts, that
25 testimony will be heard, and that witness would be testifying --

1 or that civil party would be testifying -- as a civil party and
2 not as a witness.

3 That is what that provision means.

4 MR. IANUZZI:

5 Thank you, Your Honour, it was just so that we could refer to it
6 down the line when it comes time to make legal submissions.

7 Thank you very much.

8 [13.46.56]

9 MR. PRESIDENT:

10 Counsel Moch Sovannary, you may now proceed.

11 BY MS. MOCH SOVANNARY:

12 Thank you, Mr. President, again.

13 Q. Uncle Klan Fit, this morning we left off with your testimony
14 when you said you helped build a house for Ieng Sary and that you
15 met Pol Pot and Ieng Sary in person.

16 My follow-up question would be: when did you meet them?

17 MR. KLAN FIT:

18 A. I don't remember the year. It was before 1970.

19 Q. When you met them, what did they tell you to do?

20 A. I was not told anything other than to protect them from
21 enemies, because there were police, commune chiefs and other
22 people in Palav where enemies could be close to them.

23 Q. Thank you. Can you tell us what role did you hold that you
24 were tasked with building the house and were allowed to enter
25 that house?

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1 A. I was appointed as the as the commune chief.

2 Q. Could you also tell us what commune were you the commune chief
3 of?

4 A. Ta Lao commune, Bar Keo district in the Andoung Meas region.
5 [13.49.37]

6 Q. Thank you. Can you please tell the Court: as a commune chief
7 of Ta Lav, how many communes was you in charge to administer and
8 how many households?

9 A. Six villages. I don't remember how many households; I can't
10 recollect.

11 Q. Can you also tell the Court again: as a commune chief, what
12 tasks did you have to perform?

13 A. I was the chief of education in villages and, secondly, I was
14 tasked with protecting our location from the Vietnamese; not
15 allowing the Vietnamese to come in.

16 Q. You said you had to protect the area and not allow the
17 Vietnamese coming in. Can you tell the Court the situation of the
18 Khmer Rouge policy -- why Vietnamese were banned from coming into
19 the location?

20 A. Because we were asked to be very cautious and not to really
21 break confidentiality.

22 MR. KARNAVAS:

23 Mr. President, I'm going to object. If you go back and listen to
24 the question, it assumes a fact not in evidence. She interjects
25 the word "policy" against the Vietnamese. Where on earth has he

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1 testified about that in advance? She feeds him the answer and
2 then he basically says yes. It's classic leading the witness.

3 [13.51.52]

4 Now, if they're going to be in charge of taking the witness
5 first, then I would respectfully request that they be asked to
6 ask only simple questions such as who, what, where, why, how,
7 explain, and describe; and not go into giving facts so the
8 witness can validate. That's improper. Thank you.

9 [13.52.16]

10 MS. MOCH SOVANNARY:

11 If the President allows, I would like to respond to this question
12 -- this assertion. When I put question with regard to the policy
13 concerning the Vietnamese, this piece of information is relating
14 to the historical background of the Khmer Rouge regime and
15 Vietnam; and civil party already indicated earlier on that he was
16 tasked with protecting the location from the enemies and the
17 Vietnamese. So I would like to know more why he was asked to do
18 that and I believe that such question was not a leading question
19 and civil parties already told the Court about the Vietnamese, in
20 this Court earlier on.

21 MR. PRESIDENT:

22 International Co-Prosecutor, you may now proceed.

23 MR. DE WILDE D'ESTMAEL:

24 Thank you, Mr. President. Let me simply point out that such
25 tendacious -- or leading questions, as translated in French --

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1 was asked on Friday last week precisely by Mr. Karnavas, acting
2 as -- was put to the senior legal officer. And the answer given
3 was that such tendacious or leading questions were authorized.
4 [13.53.58]

5 I do not know whether Mr. Karnavas would like to see the minutes
6 of that meeting but he, himself, put that question to the senior
7 legal officer and she did respond to it.

8 MR. KARNAVAS:

9 The gentleman is referring to the earlier questions that they
10 were raising and so if they are going to be quoting from that,
11 they should at least put it into context. It has nothing to do
12 with what is happening here today with the lawyer for the civil
13 parties asking leading questions. She has used the word "policy".
14 Policy has a particular meaning. The gentleman never said
15 anything about a policy. Now she can ask him what he was asked to
16 do, why he was asked to do it, when, how, and so on, but the
17 moment that she begins to characterize, in a manner in which he
18 did, that's testifying from the -- from -- as a lawyer, and
19 that's what is called leading. Thank you.

20 (Judges deliberate)

21 [13.55.10]

22 MR. PRESIDENT:

23 Having noted that the questions put by the Counsel for the civil
24 party are based on the facts that have already been indicated
25 before the Co-Investigating Judges, so she is now allowed to

1 proceed.

2 BY MS. MOCH SOVANNARY:

3 Thank you, Mr. President.

4 Q. As the commune chief at Ta Lav commune, who appointed you to
5 that position?

6 MR. KLAN FIT:

7 A. Om Vong, Om Yak, and Om Thang Sy.

8 Q. Could you tell the Court what roles they held during those
9 days -- the three people you mentioned?

10 A. Om Thang Sy was the chief of the district, while the other
11 people were the Zone Committee.

12 [13.57.27]

13 Q. Now I would like to ask you concerning the period when the
14 Khmer Rouge liberated Phnom Penh on April 17th of 1975. Could you
15 tell us how you learned of this information that the Khmer Rouge
16 liberated Phnom Penh?

17 A. We heard that there was a coup d'état while Lon Nol -- Khmer
18 attacked Khmer.

19 Q. When Phnom Penh was taken over by the Khmer Rouge in 1975, the
20 17th of April; where were you?

21 A. I was in the same village.

22 MR. VERCKEN:

23 Mr. President, by your leave, I would like to take the floor. I
24 crave your indulgence, dear colleagues.

25 Mr. President, you pointed out that the Closing Order establishes

1 the facts. I must admit that I'm somewhat worried at this concept
2 of the Closing Order because if the Closing Order establishes
3 facts, then I would wonder why we are here today at trial.

4 [13.59.37]

5 As I see it today, it's not a rereading or reinterpretation of
6 the Closing Order and, indeed, as my learned colleague, Michael
7 Karnavas -- learned friend, Michael Karnavas -- said, he asked
8 whether there were policies and whether such policies were
9 implemented. And how can this be part of the questions for this
10 trial segment? If the Chamber is of the view that the Closing
11 Order establishes such facts, we can pack our bags now and go. I
12 do not know whether the translation or the interpretation of your
13 answer tallies with what you, indeed, said. I believe that answer
14 is crucial for the way forward in this trial. That is the remark
15 I wanted to make.

16 (Judges deliberate)

17 [14.01.00]

18 MR. PRESIDENT:

19 Your observation lacks of substance. I don't see any specific
20 motion; it was a mere disruption to the proceedings.

21 The Chamber has made it clear the flow of the proceedings goes in
22 written and oral form, and we should not be taken by surprise in
23 relation to the flow of the proceeding without any specific
24 motion, so I would now like to give the floor to the civil party
25 lawyers to continue questioning.

1 BY MS. MOCH SOVANNARY:

2 Thank you, Mr. President.

3 Q. After the Khmer Rouge liberated Phnom Penh in April 1975, were
4 you invited to come to Phnom Penh to take the political training
5 courses in Phnom Penh?

6 MR. KLAN FIT:

7 A. Yes, I came to Phnom Penh; I came twice and Mr. Nuon Chea was
8 the lecturer or trainer at that time.

9 [14.02.55]

10 Q. Thank you. You said you were invited to come to Phnom Penh to
11 attend political training course twice and it was -- the trainer
12 was Nuon Chea. So when did you come -- when did you first come to
13 Phnom Penh?

14 MR. PESTMAN:

15 Can I make an objection or raise an objection before the civil
16 party answers his question? I think we're leaving the scope of
17 the first trial segment. This is unrelated to the evacuation of
18 Phnom Penh. It's unrelated to the second phase of the transfer of
19 the people, so I would like to object to this question.

20 MR. PRESIDENT:

21 The objection is not sustained. The civil party shall continue to
22 answer this question because this question relates closely to the
23 history of the -- the Communist Party of Kampuchea.

24 BY MS. MOCH SOVANNARY:

25 So in order to assist the civil party, I would like to ask the

1 question again.

2 [14.04.19]

3 Q. When you first invited to come to Phnom Penh to attend the
4 training course conducted by Nuon Chea, I would like to know what
5 are the subject matters of the training at that time?

6 MR. KLAN FIT:

7 A. At that times, I think the main substance of the training was
8 that once we liberated our country, we had to work together and
9 we had to build a structure of the country in order to continue
10 to hold the independence of the country.

11 Q. So when you first came to Phnom Penh for the political
12 training course, who else were invited to attend the classes --
13 the class?

14 A. They invited the Zone Committee to attend this training.

15 [14.05.39]

16 Q. How long did training last?

17 A. It lasted for five days.

18 Q. You mentioned that you came to Phnom Penh twice for this
19 training, and Nuon Chea conducted this training so do you
20 remember what were the main subject of the training?

21 A. Well, I did not know anything. At that times, I did not -- I
22 was not literate and I could not read anything so they invited me
23 to come to Phnom Penh; I just came as -- as invited.

24 Q. So beside Nuon Chea, were there any other leaders of the Khmer
25 Rouge who came to conduct the training for the group?

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1 A. None.

2 Q. When you were attending this political training course, were
3 you given documents or materials for the participant?

4 [14.07.22]

5 A. Yes, handout and material were distributed, but I did not take
6 those documents because I was illiterate -- I could not read
7 anything -- so I did not take those materials with me.

8 Q. You said you were given documents, but you did not take those
9 document. Do you know what the document was all about? Was it a
10 political document indoctrinated by the Khmer Rouge or it was any
11 other types of document?

12 A. Well, I thought it was the document or handout relating to the
13 Statute of the Party because we were told that the revolution
14 would be a long-term program or activities, so we had to be
15 familiar with the Statute. I did not know what Party is all
16 about. I did not know anything about that, but I merely listened
17 to them at that time.

18 [14.08.38]

19 Q. So you know that that document related to the Statute of the
20 Party. Did they elaborate on the meaning of the Statute? Did they
21 tell you how to get the job done or anything else? Could you
22 elaborate on that?

23 A. Yes, well, they told us how to maintain our standpoint and,
24 secondly, they taught us morality and, thirdly, they taught us to
25 be moderate; to be humble. So these are related to the Statutes

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1 of the Party.

2 Because I was illiterate and ignorant, I did not even understand
3 what the Statute of the Party was all about, but I just learned
4 that, well, it was a long-term activities for us; and secondly,
5 we had to maintain good morale in society; and thirdly, we had to
6 be humble. If we are not humble, if we do not abide by these
7 three principles then we may be, you know, killed by the enemies.

8 Q. So when you -- when you were invited to Phnom Penh, how did
9 you receive this invitation? Who invited you to Phnom Penh?

10 A. A letter was sent through the zone and sector from -- and sent
11 down from the sector to the sub- district level so we -- I
12 received the letter of invitation to attend the course.

13 [14.10.46]

14 Q. You said that you were appointed to be the Commune Chief of
15 Palav following the liberation of Phnom Penh. So following the
16 liberation of Phnom Penh in 1975, what -- what position were you
17 in in the rank of the Khmer Rouge following the liberation of
18 Phnom Penh?

19 A. In 1976, I was appointed the Deputy Secretary of a district.

20 Q. You are the Deputy Chief of the district; what district was
21 that?

22 A. It was called District 21 in Sector 101.

23 Q. You say that you were appointed to be the Deputy Secretary of
24 District 21. Can you tell us the structure of the zone that you
25 were in? What were the leader of that zone?

1 A. Om Wung was the Chief of the Committee and Phim was the zone
2 secretary.

3 [14.12.35]

4 Q. In the Northern Zone Committee, who were in the management of
5 this Committee?

6 A. I try to enumerate it. They are Pauk, Chhlien (phonetic), Nuon
7 Chea, Yak, Vy, Khat; they were in the Committee. These were the
8 people whom I knew, but there might be other leaders in this zone
9 as well.

10 Q. So in the Northeast Zone, how many district were there?

11 A. There were three district; District 21, I was the Secretary.
12 We have Khav and Pouv responsible for other two districts.

13 Q. Just now you mentioned there was three district: District 21,
14 22, and 23, and you said that Bou Khav was the Secretary of S --
15 of District 22 and Pouv was the Secretary of District 23. How
16 about District 21; who was the secretary?

17 A. I am the Deputy Secretary and Thin was the Secretary. He was
18 the Secretary of the district and he was also the Chief of the
19 district as well.

20 [14.14.35]

21 I, at that time, told them that I did not know anything. I was
22 illiterate. I could not hold this position, but they insisted
23 that I worked as the Deputy Secretary of this district.

24 Q. Just now you said Bou Khav was the Secretary of District 22,
25 so I would like to know what happened to Bou Khav later on, the

1 Secretary of District 22?

2 A. I heard from others and from Phim (phonetic) as well that he
3 -- he contacted with the Vietnamese; that's why he was arrested.
4 He barter for cows, for chickens with the Vietnamese and then
5 after that he was arrested.

6 MR. PESTMAN:

7 I'm sorry to interrupt again, but I'm lost. I really don't see
8 the relevance of these issues, these topics with regard to the
9 first trial section. This has nothing to do with the evacuation
10 of Phnom Penh or phase 2 of the transfer of people. This is not
11 relevant for the history of the Party or the structure of the
12 Party.

13 (Judges deliberate)

14 [14.16.22]

15 MR. PRESIDENT:

16 Your observation is sustained, and I would like to remind the
17 civil party lawyers to refine your question so that they fit into
18 the first segment of the trial. So please try to avoid departing
19 from the segment of trial that we have already designated.

20 MS. MOCH SOVANNARY:

21 Thank you very much, Mr. President, for reminding. Since they are
22 civil party referred to the structure, and I continue to delve on
23 that issue.

24 (No interpretation)

25 Thank you very much, Mr. President, for reminding. I continue to

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1 elicit the answer for this because it relates to the structure of
2 the Communist Party in the northeastern part of the country, and
3 in the case files there were also statement by Bou Khav and Pouv
4 as well in the case file; that's why it was related.

5 [14.17.451]

6 And Bou Khav's statement was in Document D -- and in Pouv
7 statement was Document D155/54.3.

8 MR. PRESIDENT:

9 Well, it is not necessary that this document or statements are in
10 the case file. But I would like to remind you that the testimony
11 must be related to the first segment of the first trial. It does
12 not mean that as long as it is in the case file we can raise it
13 but we have to raise all the points that is relevant to the
14 section in the first phase of trial. So the main subject matter
15 of this segment is the first phase of evacuation of Phnom Penh.

16 [14.18.58]

17 MS. MOCH SOVANNARY:

18 Thank you Mr. President.

19 And, of course, this first segment involves the structure of the
20 Communist Party of Kampuchea as well. So I would like to proceed
21 to the next question.

22 MR. IANUZZI:

23 Your Honour, another interjection. Could we please be oriented in
24 terms of time? Because from the statement I'm following, we seem
25 to be well into 1978-1979, so I think we're clearly, clearly

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1 getting away from the issues we're meant to be discussing today.
2 So perhaps the civil party could be asked when these things were
3 happening.

4 [14.19.38]

5 MR. PRESIDENT:

6 Thank you.

7 As the Chamber has advised the parties and members of the
8 publics, that at this stage the Trial Chamber is not able to make
9 a clear cut decision as to the allocation of time for parties
10 simply because the knowledge of the civil parties, as well as the
11 witnesses and experts, varies depending on the knowledge they
12 have. That's why in terms of the time allocations, we have given
13 indication, however, we have notified -- we have advised the
14 party that question be asked which is close to the segment of the
15 trial.

16 And the Chamber has also advised the parties that they reserve
17 the right in the future hearings that they would -- we would
18 endeavor to allocate the times as appropriately and efficiently
19 as possible. So I would remind parties to refer to the memorandum
20 on the conduct of the proceeding in the first segment of trial.
21 This was not to mention my oral clarification in the proceeding
22 and I hope that parties would observe the flow of the proceedings
23 as advised by the Chamber.

24 MS. MOCH SOVANNARY:

25 Thank you, Mr. President.

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1 [14.21.59]

2 Q. Who appointed you to be the Deputy Secretary of District 21?

3 A. The committee, the zone committee from Bangloun.

4 (Judges deliberate)

5 MR. PRESIDENT:

6 Civil parties lawyers, you may now proceed with your questions,
7 but please avoid repetitious questions.

8 Secondly, please confine your facts to the first segment of trial
9 as indicated by the defence team for Nuon Chea that if the facts
10 relevant to the periods in 1978 or 1979, it was out of the scope
11 of our -- of the hearing this phase. So we now should confine our
12 argument to the first phase of evacuation from the city to the --
13 and the central zone to the northern zone and eastern zone. So
14 this first phase of mass movement of people concerns with the
15 earlier period of the control of the Khmer Rouge. It is not
16 related to the time period from 1978 or 1979.

17 [14.24.53]

18 So once again, I would like to remind you that you should confine
19 yourself to the time that is relevant to the first phase of the
20 trial and if you go beyond the scope of times that is confined to
21 this first segment, it's going to be out of the scope of our
22 hearing in this phase.

23 And secondly, if the parties continue to object against this
24 questionings then it's going to prolong the time of the hearing
25 and it is a waste of time for the Court as well.

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1 So, once again, I would like to remind parties that questions
2 should be precise, succinct and clear to the civil party and it
3 should be in order of the facts indicated in the Closing Order.

4 [14.26.05]

5 MS. MOCH SOVANNARY:

6 Thank you, Mr. President.

7 May I ask you to also make some observation for record? We take
8 seriously, in particular, when it comes to the temporal period,
9 we were about to touch upon this issue as well and that time, and
10 again we were challenged.

11 So far as I remember when we read the memorandum concerning the
12 severance, the first segment of the trials include as well, the
13 structure, administrative structure of the Democratic Kampuchea
14 from the period before 1975 and from 1975 to the 6th of January
15 1979.

16 So I am convinced that any question that is relevant to the
17 administration -- administrative structure of Khmer Rouge could
18 somehow fall within that period of time as allocated. And these
19 questions will be relevant to the administrative structure at
20 District 21 and his supervision back then.

21 If Your Honour allow, we can proceed.

22 [14.27.36]

23 MR. PRESIDENT:

24 Indeed you are allowed to proceed with your questions.

25 We would just like to remind other parties as well to be guided

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1 by the facts that laid out in the proper Order so that we can
2 fully manage these proceedings smoothly and very well.

3 MS. MOCH SOVANNARY:

4 Thank you, President.

5 I believe that indeed that we are in the good hand of Your
6 Honours.

7 BY MS. MOCH SOVANNARY

8 Q. My question to you again, Mr. Klan Fit, who appointed you as
9 the Chief of District 21?

10 MR. KLAN FIT:

11 A. Ta Ve, Ta Khat, Ta Ya, five people altogether who were the
12 members of the committees of the zone who appointed me.

13 [14.28.38]

14 Ta Thin was the chief of all. Kamphy was the deputy. So people
15 who represented three districts appointed me. So I was in charge
16 of district 21, while Pouv and Pav were in charge of other two
17 districts: district 21 and 22.

18 Q. When was you appointed as deputy chief of the district 21?

19 A. In '76.

20 Q. How were you appointed?

21 A. I was invited -- or called -- to the meeting and told that the
22 country now an independent country. We had -- we -- people were
23 need to work to help build the country. Tim, who was from Tampuan
24 ethnic minority group, also attended the same meeting. When the
25 chiefs of the sectors were appointed, then the chiefs and deputy

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1 chiefs of district were consequently appointed.

2 [13.30.31]

3 And we were told that we had to help work to build our countries
4 and our communes, because the country was independent.

5 Q. Thank you. When you worked as deputy chief of district 21, how
6 many communes were you tasked with administering?

7 A. Six communes, altogether.

8 Q. Can you tell the Court the names of those communes and who
9 were the cadres who were in charge of each commune.

10 A. Indeed, I know the names of those commune chiefs, because each
11 commune had two to three people appointed to manage the communes.

12 Q. Can you tell us, in detail, who actually managed those
13 communes?

14 A. I can remember all the names of those people.

15 Q. Can you then tell the Court who they are?

16 A. In commune 21, there were Mor Muoy (phonetic) commune, but now
17 it's Ta Lav commune.

18 [14.32.15]

19 Back then, it was Am Buon (phonetic) commune, or Mor Muoy. I was
20 in charge of Mor Muoy commune, and then Mor Pir (phonetic), Mor
21 Bei (phonetic), Mor Pram (phonetic), Mor Prammuoy (phonetic). I
22 don't remember the other names, other than I, myself, who was
23 really in charge of Mor Muoy.

24 Q. Can you well the Court whether you remember the people who
25 actually in charge of those communes?

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1 A. Mor-muoy commune, I myself was in charge, then Cheurn and
2 Pest. Three altogether, for one commune.

3 Q. What about Mor Pir commune?

4 A. Chit, Loun, Klech. Three people, as well.

5 Q. What about Mor Bei?

6 A. Yun, Len, Tern. Three people, as well.

7 Q. What about Mor Buon commune?

8 THE INTERPRETER:

9 The interpreter could not really get the message since the mic
10 was not on.

11 MR. PRESIDENT:

12 What about Mor Prammuoy?

13 THE INTERPRETER:

14 This time again, interpreter notes the mic was not activated and
15 the message was capped. The civil party could be advised to get
16 back to Mor Buon, please.

17 (No interpretation)

18 MR. PRESIDENT:

19 Civil party, you are now reminded again to begin responding when
20 the mic is activated, otherwise your message will not be conveyed
21 through interpreting.

22 [14.34.59]

23 And, interpreter who is next to the civil party, could you help
24 press the button so that the mic is activated so that he can
25 really see the light and start to respond. Or you may be of

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1 assistance to assist him, for example, to hold on until he sees
2 the red light when responding to question.

3 Interpreter has indicated to the Chamber that questions should
4 be, again, started from Mor Bei, since the message was capped
5 short, for the reason that the mic was not activated and the
6 interpreter could not render.

7 BY MS. MOCH SOVANNARY:

8 Thank you Mr. President. I would like to proceed from Mor Bei
9 again.

10 Q. Could you tell us who was in charge of Mor Bei?

11 MR. KLAN FIT:

12 A. Yong, Peng Len, Ben Tern. Three people.

13 Q. Could you proceed to Mor Buon? Who are they?

14 A. Cheng, Pint, Twin; three people.

15 Q. Thanks. Could you please go to Mor Pram?

16 A. Nun (phonetic), Led.

17 [14.36.53]

18 I forget another person because he died.

19 Q. Could you proceed to Mor Prammuoy?

20 A. I remember only two. Cheung, Hen. I don't remember the third
21 person. He died as well.

22 Q. Thank you. I would like to proceed to another question. As the
23 deputy chief of district 21, what kind of tasks were you asked to
24 do?

25 A. I was in charge of educating people. Educating them on how to

1 do farming.

2 Q. Can you tell the Court, in your capacity as the person in
3 charge of educating people on farming -- how did you do that?

4 A. There were people who assisted me with documents.

5 [14.38.24]

6 There were clerks and messengers, because they could read the
7 documents. I could not.

8 Q. For example, when orders were rendered from upper echelons,
9 and you were asked to implement the orders, how were the orders
10 be implemented?

11 A. As the deputy chief of the district, I had a lot of
12 difficulties.

13 In 1976, when I was appointed as the deputy chief, people were
14 gathered and -- to put in one place to do farming, and people in
15 villages had to be relocated, and we had to look for land ready
16 for farming, so that the land can accommodate the people who
17 would be relocated. A lot of people would evacuated to In
18 village, because the land was huge there. I was having a lot of
19 difficult as a deputy chief. I sometimes would wish to commit
20 suicide by hanging myself but -- because I was shouldering lots
21 of tasks.

22 I didn't like the idea that people be relocated, and as a deputy
23 chief of the district, I didn't feel that there would be a need
24 to relocate people, but I was intimidated -- I was threatened.
25 Otherwise, we would be killed. So we had to really obey the

1 orders.

2 [14.40.39]

3 We had to build dams, we had to really make the most of the land
4 -- leave no piece of land unused.

5 MR. PRESIDENT:

6 Thank you, Mr. Klan Vet. Since it is now an appropriate time to
7 take an adjournment, the Court will take the adjournment for 20
8 minutes. The session will resume again at 15.00.

9 (Judges exit courtroom)

10 (Court recesses from 1441H to 1501H)

11 (Judges enter courtroom)

12 MR. PRESIDENT:

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

14 We're going to continue hearing civil party Klan Fit. Before we
15 proceed to the lead co-lawyers for the civil party, the Chamber
16 has noted that the counsel has not wisely used the time allocated
17 for putting questions to the civil party. The Chamber would like
18 to ask how much time would the counsel need to put questions to
19 the civil party?

20 MR. PICH ANG:

21 Mr. President, there are only two remaining points that we wish
22 to put questions on and we only need about 10 more minutes.

23 [15.03.37]

24 MR. PRESIDENT:

25 Counsel for the civil party, you may now proceed with your

1 remaining of the questions.

2 MS. MOCH SOVANNARY:

3 Thank you, President.

4 BY MS. MOCH SOVANNARY:

5 Q. We just now asked you about the names of the commune chiefs.

6 Another question is: Were you required to meet these commune
7 chiefs on a regular basis or how frequently was the meeting be
8 held?

9 MR. KLAN FIT:

10 A. We met twice a month.

11 Q. Can you tell the Court too were you required to report on the
12 situation under your control to the upper echelon, or whether you
13 asked as well to report to other people and could have been the
14 mechanism for reporting?

15 A. With regard to reporting to the sector committee, after each
16 meeting we were supposed to report to them. And I at one given
17 time was accused of being engaged in the alliance movement and I
18 had to report to them in detail, because if I failed to report
19 the details then I would be also implicated as taking people to
20 join the Vietnamese.

21 Q. Thank you. I have no further questions to put to you, but I
22 would like to ask if you would like to tell the Court about your
23 harms, or sufferings, or anything else you would wish to do?

24 [15.06.11]

25 A. I had a lot of difficulty being engaged in revolution and I

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1 knew that a lot of people were killed. Members of these zones
2 were killed, including Om Yak (phonetic), for example. The person
3 like Om Yak (phonetic) was also killed. I have no idea why he was
4 killed. That's why I had a lot of bad feelings about that. But
5 now we were no longer in such a period.

6 MS. MOCH SOVANNARY:

7 Thank you very much for your responses.

8 And I thank you also, the Chamber, for granting us the floor for
9 putting questions to Mr. Klan Fit.

10 And we would like to tell the Chamber that the civil parties have
11 no further questions to be put to him.

12 MR. PRESIDENT:

13 Thank you, Counsel for the civil party.

14 We would like now to proceed to the prosecutors if they would
15 wish to put questions to the civil party.

16 MR. DE WILDE D'ESTMAEL:

17 Thank you, Mr. President, Your Honours.

18 Let me begin with some questions and if we do not complete our
19 questions I think my colleague might, with your leave, continue
20 tomorrow morning.

21 I'd like to greet you, Mr. Klan Fit, and thank you for coming to
22 us from so far away and accepting to testify at this trial.

23 We would like to ask you a few questions. We are well aware that
24 Khmer is not your mother tongue but rather one of the many
25 languages that you speak. So what we'll try and do, is ask short

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1 and simple questions insofar as possible.

2 [15.08.24]

3 But do let me tell you that if you find it difficult to
4 understand any of the questions please raise your hand and make
5 that clear to us and we will be happy to repeat them if
6 necessary.

7 We're also aware that these facts occurred more than 30 years and
8 that some memories are obviously not going to be quite as clear
9 in your mind as if you'd been asked these questions a few years
10 ago, but do try and concentrate on the questions as far as you
11 are able, and answer as accurately as you can.

12 [15.09.08]

13 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

14 Q. May I start by asking the witness if in July 2009 some members
15 of this Court came to see you to ask you some questions?

16 MR. KLAN FIT:

17 A. Yes, that is correct.

18 Q. Do you remember answering questions that were put to you in
19 Khmer or interpreted into Khmer for you by an interpreter?

20 A. I responded in Khmer language, not in my Kachok language. I
21 did my best to speak Khmer.

22 Q. Thank you.

23 At the end of your interview, was your statement re-read to you?

24 A. Yes.

25 Q. And once your statement had been read back to you, did you

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1 feel that it was a faithful version and it was worth you putting
2 your fingerprint on the bottom?

3 A. Yes, it is correct.

4 [15.10.46]

5 Q. This was Document D247/1. You're in 00403457 to 00403464. The
6 French version is a corrected one, D247/1, Cor 1, from 00751732
7 to page 00751739, and in the English version, 00404460 to page
8 00404467.

9 So we'll probably have to refer to that document in some of our
10 questions, although that doesn't mean they will be leading
11 questions.

12 I want to go back to the period when you joined the revolutionary
13 movement, up to 1970.

14 This morning, you said that you didn't remember very precisely
15 exactly when you joined the movement, but can you give us an idea
16 of what sort of period we are talking about; was this in the
17 fifties, in the sixties? Was it a long time before the Lon Nol
18 coup d'état?

19 [15.12.48]

20 A. I was engaged in the revolution in 1971.

21 Q. This morning, you talked about facts that pre-dated the Lon
22 Nol coup d'état. Are we really talking about 1971, therefore, or
23 are we talking about an earlier date?

24 A. Before 1971.

25 Q. This morning, you said that you were approached by certain

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1 people asking you to join the movement.

2 Did these people talk to you about the concept of enemies to win
3 you round to the idea of joining the revolution?

4 A. There were no enemies. There were people including Ieng Sary,
5 Om Yak (phonetic); these people who really introduced me into the
6 revolutionary.

7 Q. Thank you.

8 Were you personally aware of the objectives of this revolutionary
9 movement?

10 A. No, I'm afraid not. I was just asked to build houses, to do
11 whatever I was asked to do, and I felt intimidated and threatened
12 since I was an illiterate individual. I had to really follow
13 their orders and instructions without any denial because I fear I
14 would be killed.

15 MR. DE WILDE D'ESTMAEL:

16 Mr. President, is it all right with the electricity cut out for
17 me to continue or should we wait?

18 Thank you, Mr. President.

19 MR. KARNAVAS:

20 We have a period when -- are we still in the sixties -- when he
21 joined the revolution that he felt intimidated to be killed. By
22 whom?

23 MR. DE WILDE D'ESTMAEL:

24 Counsel Karnavas, I'm the one asking the questions now.

25 I don't know if you want me to go back over this. Perhaps the

1 witness can make this a little clearer.

2 BY MR. DE WILDE D'ESTMAEL:

3 Q. Who did you feel was intimidating you?

4 MR. KLAN FIT:

5 A. It was because we had to obey Angkar. Nothing was bigger than
6 Angkar. We could not escape. Even living with the fish in the
7 pond, we could not escape. Even flying like birds in the sky, we
8 could never escape. So we had just to obey orders.

9 Q. Did you know if this revolutionary movement had a name? What
10 was the name of the movement or, if you like, of this party?

11 A. There were Thong Chi, Om Wong (phonetic), Om Yak (phonetic),
12 Ba Kat (phonetic), who were members of the zone committees and
13 Chai (phonetic) as well.

14 Q. But did the movement have a name? Was it presented to you as
15 having a name?

16 A. The movement at that time was more about educating people to
17 work hard with farming and doing our work and trying not to be
18 associated with enemies.

19 Q. When you joined the movement, did you receive an education?
20 Did they give you training?

21 A. We received political trainings. We attended educational
22 sessions time and again.

23 Q. As far as you are aware, were other people in your village
24 also adhering to the revolutionary movement and did they also
25 belong to ethnic minorities?

1 A. Yes, they were. People from the six communes were of ethnic
2 minority.

3 Q. Did you know why the revolutionary movement was trying, in
4 particular, to recruit people from ethnic minorities in the
5 northeast region?

6 A. Because they took the advantage of our people who were
7 innocent, ignorant and who would be easily educated, doctriated
8 - indoctrinated, rather.

9 [15.19.35]

10 Q. So we are still in the 1960s and well before the Lon Nol coup
11 d'état. And can you tell us where the leaders of this
12 revolutionary movement were, where they established themselves,
13 where were they living?

14 A. There were Om Thang Sy, Om Vong, Om Ya, who were the zone
15 committees who educated us. No other people other than them.

16 Q. During the period did you ever cross the border over into
17 Vietnam and if you did, what were you doing in Vietnam?

18 A. I never crossed border to Vietnam. Vietnam transported rice
19 and weapons to Stung Treng and I was asked to guide them -- work
20 as a guide because I would know the area, the location. And they
21 were hiding weapons and rice and food before attacking the
22 county. And I remember those location when I was as a guide at
23 those location near the border.

24 [15.21.36]

25 Q. Just so that I fully understand this, can you just tell us who

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1 these weapons were for which were being hidden and then taken to
2 Stung Treng?

3 A. Those weapons were transported from their country and then
4 some were coming to Phnom Penh and back to the border.

5 They said Sihanouk was a good person because he allowed the
6 Vietnamese to transport weapons and food -- actually to attack
7 the Vietnamese in Hanoi.

8 Q. If you were part of the revolutionary movement and you were
9 asked to guide these Vietnamese people who were carrying
10 firearms, just enlighten me: were these weapons meant for
11 Sihanouk's regime or were they meant for the Khmer Rouge?

12 A. These weapons were transported from their country to Phnom
13 Penh and from Phnom Penh to the border area where they would be
14 hidden. They only used our roads and water passageway to
15 transport them and finally they were hidden at the border area.

16 [15.23.26]

17 Q. But had they to be handed over to the Khmer Rouge or were they
18 meant to be used by the Vietnamese?

19 A. Indeed those weapons belonged to them for their troops, they
20 never given them to the Khmer but they only used our roads to
21 transport them.

22 Q. Thank you. Turning now to the administrative structures in
23 your region prior to Democratic Kampuchea, after the Lon Nol
24 Coup, until the fall of Phnom Penh So let me just talk to you
25 about 1970 to 1975. This morning you said that you built houses

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1 and offices for Pol Pot and Ieng Sary. Was there a particular
2 name to the place where you built these offices and houses?

3 [15.25.00]

4 A. The war did not yet start, we were still attending the
5 political sessions. The location was called K-5, Chong Ou Blang
6 (phonetic). Ieng Sary and Pol Pot were there in that location.

7 Q. Thank you.

8 So just to be clear, K-5 was built before the Lon Nol Coup d'état
9 in 1970, or after the Coup d'état?

10 A. It was built before the Coup d'état.

11 Q. Okay. So you said this morning that Pol Pot and Ieng Sary had
12 asked you build K-5. As far as you are aware, was K-5 already
13 functioning in another place before you built those offices and
14 houses in the other place?

15 A. There was only one K-5 in that location before the Coup
16 d'état. I have no idea whether it was another K-5.

17 Q. How did the leaders present this to you? Did they tell you why
18 they wanted to build K-5 in that particular place and at that
19 particular time?

20 [15.27.06]

21 A. We were told that the place was built to hide them from being
22 attacked, and the people had to be very careful because we had to
23 make sure that enemies would not know this secret.

24 Q. Can you tell us how the building was put up? Was there some
25 kind of technique you had to use?

1 A. Bunkers were built where roofs could be also installed to
2 cover the bunkers.

3 Q. So were these buildings underground or did they come up over
4 ground?

5 A. It was dark, like pits -- as pits as I may say, where wooden
6 poles would be used to -- as shield, indeed, to cover the pits so
7 that people in the pits could be safe.

8 So we were there and later on, later to 1950 -- rather 1975 when
9 bombardments were seen dropped.

10 [15.29.22]

11 Q. So it was a pretty secure place. Apart from Pol Pot and Ieng
12 Sary who you've already mentioned, were there other revolutionary
13 movement or party leaders who came to K-5?

14 A. After they abandoned the place, there was no other people who
15 would be seen in that location. Bombs were dropped, we could not
16 stay in the villages, we had to take refuge in the jungle for the
17 period of two years when bombs were constantly dropped on our
18 location.

19 Q. But when you had completed the building was K-5 then used by
20 the Khmer Rouge leaders as a place for their meetings?

21 A. They had a meeting at another place. It's more like a house, a
22 wooden house for the meeting.

23 Q. Were there Khmer Rouge leaders, other than Pol Pot and Ieng
24 Sary who came to this other house you have mentioned to hold
25 meetings there?

1 [15.31.15]

2 A. I did not see any other people, other than them. For example,
3 I never say any Laotians, Vietnamese, and we had to keep moving
4 from one place to another to avoid being dropped bombs on.

5 Q. Once K-5 had been destroyed, then where were the offices and
6 the dwelling place of Pol Pot and Ieng Sary in the jungle? Did it
7 have a name -- did it have a code name?

8 A. The house was at -- in the jungle near the streams.

9 Q. Did that place or that house have a name? Did it have a name
10 like K-5? Did it have a code name or a revolutionary name?

11 A. There was no other name other than K-5 or Angkar.

12 [15.32.50]

13 The meetings were conducted in the forest. There were no proper
14 offices, there was only a cottage. There was some tables, it was
15 very difficult.

16 Q. Thank you. This morning and this afternoon many questions were
17 put to you regarding your responsibilities as village head, I
18 believe from 1970, if I understood you correctly, and also as a
19 commune chief -- chief of the TA Lao commune from 1974 up to
20 1976.

21 I would like to know whether during that period, in any case,
22 before April 1975, what was the typical structure for your
23 region? You talked about villages and communes, what were the
24 organs or bodies that were higher than the commune?

25 A. The superior asked me to educate the communes levels about the

1 policies of the party.

2 Q. Thank you, but that was not quite the question. My question
3 was whether above TA Lao commune there were other administrative
4 structures, how were they structured? You talked about the period
5 after April 1975, my question is: before April 1975 you had a
6 village and the zone, what were the different echelons or
7 administrative structures during that period?

8 [15.35.32]

9 A. There were none.

10 Q. So are you confirming that there were no sectors or districts
11 during that period among the names you mentioned earlier?

12 A. There were, of course, districts. When it comes to 1976
13 onwards there were districts.

14 Q. And above the district what existed, that is from 1975?

15 A. There were district, sector and zone levels.

16 Q. So if I understood you correctly there were villages, communes
17 and sub-districts; and then you had district, sectors and zones.
18 Was that before 1975 or after April 1975?

19 A. I don't remember. I can't recall the year. There were no
20 documents from what I recall, I couldn't remember. I cannot
21 remember the dates. I'm like a fool, I'm like a blind, I don't
22 remember any dates. I'm being frank.

23 [15.37.30]

24 Q. I will assist you. While you were still village head, at the
25 time, did you have above you, as a superior, the commune chief,

1 and above him or her the district head, the sector head and the
2 zone chief?

3 A. Of course there were, otherwise there wouldn't be any
4 appointments. But the point is that I could not recall the dates.
5 There were, of course, the upper labels, those who appoint or
6 assign to us to do tasks. There were village -- there were
7 districts down to the village and down to the group.

8 Q. Thank you. If I understood you correctly you had always known
9 of structures and you knew that before 1975 and afterwards when
10 you are appointed deputy secretary for District 21 you had the
11 same structures, groups, commune, district, sectors and zones; is
12 that correct?

13 [15.39.10]

14 A. Yes it is.

15 Q. Thank you. Now, I would like to ask you this question, from
16 1970, as you know, Prince Norodom Sihanouk had called on people
17 to join the revolution. After that period, did many people in
18 your region join the Khmer Rouge movement?

19 A. I don't know, but we were - we were called in our village, and
20 there were ethnic minorities.

21 Q. Thank you. If at all there were new persons who joined the
22 movement, were they also trained and educated as you had been in
23 the 1960s?

24 A. It was after 1976, when I was appointed, and there were
25 stronger (inaudible), they talked about social revolution and it

1 would not be possible if you don't follow the party lines, it is
2 what they said.

3 [15.41.05]

4 Q. This morning you said on several occasions that you were
5 forced to join the movement. Can you tell us what kind of
6 discipline was applied in the party, what could you do and what
7 could you not do?

8 A. There was a strict stance to do revolution. We had not to be
9 brave, we couldn't be afraid to die; that is the long-term stance
10 to fight for the revolution. Besides, we had to be honest to the
11 party and the people. They were afraid that I would ran and join
12 the enemies.

13 Q. Can you please specify to us who those enemies were, the
14 enemies you refer to?

15 A. I was told by Angkar that there were enemies but I personally
16 do not know who those enemies were, they were called Lon Nol
17 enemy.

18 [15.42.50]

19 Q. This morning you also said that the Vietnamese were the enemy,
20 had that always been the case? Had you been told that the
21 Vietnamese were the enemy or were they friends at any point in
22 time as opposed to being enemies?

23 A. These works were ordered from those uncles. We were told not
24 to call them the "Yuon" otherwise they would be hated. They
25 should call them the Vietnamese. But we was told also that the

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1 Yuon were the enemies of the Cambodians, they were trapping our
2 land. But how could we call themselves enemy -- as the Yuon
3 enemies, because we had been living together, we had been in the
4 revolutions together, and I know that those uncles were the
5 bosses. They told me -- they introduced me to the party but how
6 could they accuse me that I joined the Vietnamese party. If I
7 joined the Vietnamese party then Nuon Chea and other people also
8 joins the Vietnamese party.

9 [15.44.38]

10 Q. Thank you.

11 I have heard two things in your answer, on the one hand you said
12 that you were told not to call the Vietnamese Yuon, but to call
13 them Vietnamese, but you also said that you were told that they
14 were enemies. Did you receive the two different messages during
15 the same period, or the message changed as time went on?

16 A. It was in 1976 or 1977. They fought in 1976 with the
17 Vietnamese and they were accused of crossing into our territory.

18 Q. You said that the bosses -- the uncles -- blamed the
19 Vietnamese for all that. Who were those people who are identified
20 as the main leaders of the Party?

21 A. Superiors include Ieng Sary and Pol Pot.

22 Q. Do you know Ieng Sary's revolutionary name? What name did he
23 bear at that time?

24 A. He was called Brother Van. When we were in the forest, he was
25 called Brother Van.

1 Q. Did he have any other revolutionary names or he always bore
2 the same name?

3 A. It is the only name that I heard people were calling him and
4 later on he were called Om Ieng Sary, besides that it was Van.
5 [15.47.19]

6 Q. Let us go back to the time when you were chief of Ta Lao
7 commune. A while ago you talked about villages and groups but I
8 would like to know whether, during the time when you were commune
9 chief, there were already cooperatives at the level of the
10 commune?

11 A. When I was a village chief there were no cooperatives yet and
12 people were working with their hands.

13 Q. That was when you were village chief. You subsequently said
14 that you were promoted to the position of Ta Lao commune chief.
15 And when you were chief, were there any cooperatives in the
16 commune or not?

17 [15.48.31]

18 A. No, there were not any cooperatives yet, only when I was
19 appointed as the sub-district chief in 1976 there were
20 cooperatives.

21 Q. Right, thank you. When you were commune chief and later on
22 district chief did you receive any instructions with regard to
23 agricultural production?

24 A. We did not do any agricultural productions. It was in 1976,
25 back in June, we were called to the meeting, we were told to

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1 gather forces and we were told to eat communally.

2 Q. Thank you. I will revisit certain things that you said this
3 morning regarding Ieng Sary's role and functions and the
4 occasions at which you met him.

5 This morning you referred to two meetings which you said you
6 attended and during which Ieng Sary took the floor. Let me inform
7 you that in your previous statements before the Co-Investigating
8 Judges you referred to three meetings. I would like you to
9 clarify this point. You said earlier that meetings were held in
10 1966, '70 and 1974. Today, this morning, you talked about two
11 meetings. Please clarify whether there were two meetings or three
12 meetings and when were those meetings you attended and during
13 which Mr. Ieng Sary spoke. When were those meetings held?

14 [15.51.22]

15 A. There were only two meetings when we were meeting in the
16 forest. There were Ta Khat, Ta Bat (phonetic) and Ta Vy.

17 Q. Do you remember the time -- I know you have problems with
18 dates, do you at least remember the period during which the two
19 meetings were held? Was it several meetings apart or they were
20 held close to one another?

21 A. Sometimes we were called to meet in Ban Lung, it was during
22 daytime.

23 [15.52.30]

24 Those meetings were separate by a period of time but we later on
25 had meetings with the chief of Sector 101. He was the chief of

1 that sector.

2 Q. At the first meeting during which you saw Ieng Sary regarding
3 the second one I did not know, was that meeting held before the
4 Lon Nol's coup d'état or afterwards?

5 A. It was before. It was before the coup d'état when he was in
6 the forest.

7 Q. Was that the first time you were seeing Ieng Sary or you had
8 already seen him before but you had never attended a meeting
9 shared by Ieng Sary?

10 A. It was the only time that I met him. Those were the two times
11 that I met him. I could not go anywhere else if I was not
12 allowed.

13 Q. That is correct. Do you remember the context of the first
14 meeting? During that first meeting did you see other persons next
15 to Ieng Sary, even if they did not take the floor, I mean people
16 among the leaders, the bosses and the uncles?

17 A. I saw Pol Pot and Om Yak, these were the two people I saw. And
18 the one who was educating us was Ieng Sary. Pol Pot was in his
19 office but when the meeting began, Pol Pot came out of his
20 office.

21 [15.55.20]

22 Q. What was Om Yak's position during that period?

23 A. I heard that he was the zone committee, the northeast zone
24 committee. He appeared during the meeting. I was in charge of
25 four provinces -- that's why I knew -- but if they did not

1 appear, I wouldn't have known them.

2 Q. Thank you.

3 During the two meetings attended by Ieng Sary, did Ieng Sary talk
4 about religion, animism? Did he talk about such things, and what
5 did he say?

6 [15.56.40]

7 A. During the meetings he announced to the commune and the
8 districts for them to know who their enemies, who their friends
9 were. He asked whether we understood who our enemies were and we
10 said no. And he told us those who were pressing the people were
11 the enemies; those who were bribing were the enemies, so this is
12 what we were educated during the meeting.

13 Q. Throughout that period were you allowed to practice your
14 religion -- if at all you had any religion -- or to practice
15 animism?

16 A. At Stung Treng we were banned from practicing religions,
17 believing in spirits. We were told that when we got sick, we need
18 to go to the hospital. In the rural areas people did not really
19 have pagodas. Indeed no, so no religion.

20 Q. Did you easily accept the instruction not to worship, practice
21 your religion or to take part in any spiritual rituals?

22 [15.58.52]

23 A. We actually didn't like it because we minority people had
24 pagodas, religion, like the normal Khmer people but at that time
25 we had to really abandon it because we were intimidated,

1 otherwise we would be accused of losing the firm stands, for
2 example.

3 Q. So when Ieng Sary spoke about that during the two meetings --
4 you did say that it was before Phnom Penh fell, taken by the
5 Khmer Rouge, if I understood you correctly -- is that what you
6 said?

7 A. Yes, it is. Because the country was not liberated, that's why
8 they were still in hiding in the jungle.

9 Q. If someone in the revolutionary group wanted to go to the
10 pagoda or to make offerings, what happened to him? Was he blamed
11 or was punished in one way or the other?

12 [16.00.41]

13 A. We in the rural area did not have pagodas and we were advised
14 not to believe in spirits as well, because they said that if we
15 believe in spiritual belief, for example, we could not really
16 join the revolution.

17 We had to follow their orders. We had to really be abided by
18 political line, or we would be killed. Whatever we spoke, we had
19 to refer to the Communist Party; it was the main principle. No
20 one could contest or oppose it -- we had no choice, we were
21 afraid, we had to follow them.

22 People in the rural area, like me, were very ignorant, illiterate
23 and we were fearful, were intimidated. And I think everyone else
24 was not different.

25 MR. PRESIDENT:

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1 International Co-Prosecutor, may you advise the Chamber how many
2 more questions would you wish to put to the civil party?

3 MR. DE WILDE D'ESTMAEL:

4 Thank you, Mr. President.

5 Well, I think we have another hour's worth of questioning of this
6 civil party, so if you want to adjourn at this juncture we so
7 certainly not object.

8 [16.03.29]

9 MR. PRESIDENT:

10 Thank you for the indication.

11 (Judges deliberate)

12 Since it is now appropriate time for an adjournment and we have
13 already heard testimonies from civil party and we have been
14 notified that the International Co-Prosecutor would need about an
15 hour to put questions to the civil party, the Chamber notes that
16 we can proceed to tomorrow's session and that International
17 Co-Prosecutor will be allocated 30 minutes to put the remaining
18 questions to the civil party.

19 [16.05.23]

20 The Chamber will now adjourn. The following session will be
21 resumed from 9 o'clock.

22 Counsel, I have noted you on your feet, you may proceed.

23 MR. IANUZZI:

24 Thank you, Your Honour.

25 Will Nuon Chea be testifying tomorrow? And if so, could we be

1 notified as to when?

2 (Judges deliberate)

3 MR. PRESIDENT:

4 The Chamber continues to hear Nuon Chea's testimony after civil
5 party Klan Vet has been examined. In other words, Nuon Chea will
6 be questioned after this.

7 MR. IANUZZI:

8 Perhaps then we could have an indication from the other parties
9 how long they will take. I think we'll need about five minutes
10 with Klan Vet ourselves.

11 [16.07.23]

12 MR. PRESIDENT:

13 We have with us the Counsel for Ieng Sary and Counsel for Khieu
14 Samphan, could you please advise the Chamber how much time you
15 would wish -- you would need -- to put questions to the civil
16 party, please?

17 MR. KARNAVAS:

18 Good afternoon, Mr. President, good afternoon, Your Honours.

19 I have to hear the rest of the examination of the witness before
20 I can decide. I can certainly say that it could be anywhere from
21 15 minutes to 45 minutes, especially since there was a lot of
22 testimony where periods were not ironed -- you know, were not
23 established and so we feel at least, I would say, 15 to as much
24 as 45 minutes.

25 [16.08.26]

1 MR. VERCKEN:

2 Same thing, Mr. President, for Mr. Khieu Samphan's defence.

3 MR. PRESIDENT:

4 Having noted the time as already notified by the parties we feel
5 that the Chamber will only determine this time allocation after
6 the civil party has been examined. Indeed, we cannot really say
7 exactly when, but only after he has been examined, that Nuon Chea
8 will be questioned.

9 Security personnel are now instructed to take all the Accused
10 back to the detention facility and return them to the courtroom
11 by 9 o'clock.

12 The Court is adjourned.

13 (Judges exit courtroom)

14 (Court adjourns at 1609H)

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