



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

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC REDACTED

Case File N° 002/19-09-2007-ECCC/TC

22 November 2016

Trial Day 482

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ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 13-Feb-2017, 12:28

CMS/CFO: Sann Rada

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

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCCP-223	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LIV Sovanna	Khmer
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Ms. THUCH Sithan (2-TCW-842)	Khmer

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remaining testimony of

6 Civil Party 2-TCCP-223 for the morning sessions. And in the

7 afternoon, the Chamber will continue to hear the testimony of

8 witness Thuch Sithan from France via a video link.

9 And due to the unavailability of some interpreters since they're

10 stuck in the traffic, so please leave sufficient pause between

11 question and answer sessions so that interpreters can properly

12 interpret.

13 Ms. Chea Sivhoang, please report the attendance of the parties

14 and other individuals to today's proceedings.

15 THE GREFFIER:

16 Mr. President, for today's proceedings, all parties to this case

17 are present.

18 Mr. Nuon Chea is present in the holding cell downstairs. He has

19 waived his right to be present in the courtroom. The waiver has

20 been delivered to the greffier.

21 The civil party who is to conclude his testimony today, that is,

22 2-TCCP-223, is present in the courtroom. And the witness who is

23 to continue her testimony via video link from France via video

24 link, that is, Thuch Sithan, is available for the afternoon

25 sessions.

2

1 We also have a reserve witness today, that is, 2-TCW-871, who
2 confirms that, to their best knowledge, the witness has no
3 relationship by blood or by law to any of the two accused, Nuon
4 Chea and Khieu Samphan, or to any of the civil parties admitted
5 in this case. The witness took an oath before the Iron Club
6 Statue. Thank you.

7 [09.06.32]

8 MR. PRESIDENT:

9 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
10 request by Nuon Chea.

11 The Chamber has received a waiver from Nuon Chea dated 22nd
12 November 2016, which states that, due to his health, that is,
13 headache, back pain, he cannot sit or concentrate for long. And
14 in order to effectively participate in future hearings, he
15 requests to waive his right to be present at the 22nd November
16 2016 hearing.

17 [09.07.07]

18 Having seen the medical report of Nuon Chea by the duty doctor
19 for the accused at the ECCC, dated 22nd November 2016, which
20 notes that, today, Nuon Chea has a lower back pain and feels
21 dizzy when he sits for long and recommends that the Chamber shall
22 grant him his request so that he can follow the proceedings
23 remotely from the holding cell downstairs. Based on the above
24 information and pursuant to Rule 81.5 of the ECCC Internal Rules,
25 the Chamber grants Nuon Chea his request to follow today's

3

1 proceedings remotely from the holding cell downstairs via an
2 audio-visual means.

3 The Chamber instructs the AV Unit personnel to link the
4 proceedings to the room downstairs so that Nuon Chea can follow.
5 That applies for the whole day.

6 I now hand the floor to the defence teams, first to the defence
7 team for Nuon Chea, to put questions to the civil party.

8 [09.08.09]

9 QUESTIONING BY MR. KOPPE:

10 Thank you, Mr. President. Good morning, Your Honours. Good
11 morning, counsel. Good morning, Mr. Civil Party. I'm Nuon Chea's
12 international lawyer, and I would like to ask you some questions
13 this morning.

14 Q. Let me start by asking you some questions about something you
15 said yesterday. You said that when you were young, sometime in
16 the early sixties, you and your mother were living in Phnom Penh
17 with Nuon Chea. Did I understand that correctly? And if yes, can
18 you tell us where it was that you and your mother lived together
19 with Nuon Chea?

20 2-TCCP-223:

21 A. I did not say I lived with Nuon Chea, but I stated that I
22 worked with Nuon Chea. And I worked with him in Phnom Penh.

23 Q. Well, maybe something went wrong in translation yesterday. My
24 notes -- there's no draft transcript yet, Mr. President -- says
25 that you were living with Nuon Chea in Phnom Penh between 1958,

4

1 '59 and 1960. I believe you were born in 1957, so you must have
2 been very young.

3 So just to be sure, you didn't live with Nuon Chea and your
4 mother when you were very young, let's say three or four or five
5 years old?

6 [09.10.46]

7 A. That is correct.

8 Q. Do you know where it was that you were living with Nuon Chea
9 in the early sixties, you and your mother? Where was it?

10 JUDGE FENZ:

11 Sorry. Just to avoid -- I think he answered that he did not live
12 with Nuon Chea in the affirmative.

13 Q. Can we clarify that? Did you ever live with Nuon Chea?

14 2-TCCP-223:

15 A. I did not live with him.

16 [09.11.26]

17 BY MR. KOPPE:

18 Q. That's fine. Did your mother ever live in the same house as
19 Nuon Chea in the early sixties in Phnom Penh?

20 2-TCCP-223:

21 A. From what my mother told me, I learned that in the fifties,
22 she lived and worked with him. She also said that Nuon Chea used
23 to play with me when I was a young child.

24 Q. I understand. What was your mother's name or, alternatively,
25 how did Nuon -- how -- sorry.

5

1 How did Nuon Chea know your mother's -- with what name did Nuon
2 Chea know your mother?

3 A. I do not know by what names Nuon Chea came to know my mother.
4 However, my mother told me that she used to live with Bong Nuon
5 Chea during the fifties.

6 JUDGE FENZ:

7 Sorry for interrupting. You didn't answer the first part of the
8 question. What's your mother's name?

9 [09.13.30]

10 2-TCCP-223:

11 My mother's name is [REDACTED].

12 MR. PRESIDENT:

13 Counsel, if <you put such a question,> next time you <should
14 indicate> names <in the document>, please show that name to the
15 civil party so that we can maintain the confidentiality because
16 we only refer to the identity by pseudonym.

17 MR. KOPPE:

18 Yes, I do apologize. I had forgotten that.

19 (Short pause)

20 [09.14.50]

21 Mr. KOPPE:

22 One moment, please, Mr. President. I'm trying to find the
23 mother's name.

24 With your leave, Mr. President, could I show again the name of
25 the civil party's mother? I will be referring to E3/9477, English

6

1 ERN -- sorry, French ERN 01112105.

2 MR. PRESIDENT:

3 Yes, you may.

4 (Short pause)

5 [09.16.20]

6 BY MR. KOPPE:

7 Q. Mr. Civil Party, please don't mention your mother's name, but
8 the highlighted part of that document, is that, indeed, your
9 mother's name, and is she still alive today?

10 2-TCCP-223:

11 A. Yes, the highlight name is correct. However, my mother passed
12 away in the last four or five months.

13 Q. Thank you, Civil Party. What is it, if any, that you recall of
14 Tou Samouth in the sixties? I know you were very young at the
15 time, but was anything ever told to you about who Ta Tou Samouth
16 was, what had happened to him in 1962? Is there anything that you
17 knew before 1975?

18 [09.17.46]

19 A. To my recollection, Tou Samouth was the chairman of the
20 Communist Party of Kampuchea before Pol Pot took power and
21 replaced him in 1960.

22 Q. Correct. But as you know, he was -- he was murdered in 1962, I
23 believe in March or April of 1962. Is there anything that you
24 heard about how he was killed and who was responsible for this?
25 Anything that you heard before 1975?

7

1 A. In a workshop session, Nuon Chea told the participants, and
2 that happened in 1977. He said that Say, who was my great-uncle,
3 worked as a close messenger to Ta Tou Samouth. And Say leaked
4 information to outsiders who dissatisfied with Tou Samouth. And
5 when Tou Samouth left his house for work, he disappeared <in that
6 time>.

7 [09.19.26]

8 Q. Let me -- let me follow up on this.

9 In question and answer 62 of document E3/9477, your interview to
10 investigators of the International Co-Investigating Judge, you
11 said that Nuon Chea said that:

12 "The meeting -- that the Party arrested Say, my uncle, who was
13 the ringleader of traitors and the one who provided information
14 to the American CIA that led to the arrest of a communist leader,
15 Tou Samouth." End of quote.

16 Now, my question is, during that meeting, did Nuon Chea say that
17 your Uncle Say was the ringleader of traitors in 1962, the year
18 that Tou Samouth was murdered, or that Say was the ringleader of
19 traitors after 1975?

20 A. Nuon Chea did not say that my great-uncle was a leader of
21 traitors. However, Nuon Chea said, Say was an enemy against the
22 revolution who infiltrated the Party. And it was Say who lived in
23 the Northwest Zone, and it was Say who persecuted those people.
24 And for that reason, the Party decided to take us along to live
25 closer to the Party.

8

1 Q. Let me ask again. During this big meeting that was attended by
2 a few hundred Northwest Zone cadres, was Nuon Chea speaking about
3 the betrayal of the revolution in 1962, by Say, or betrayal of
4 the revolution by Say in 1977 or '76?

5 [09.22.30]

6 A. Nuon Chea just said that Say was a messenger of Ta <Tou>
7 Samouth and who provided information to outsiders, who
8 subsequently arrested Tou Samouth; but he did not say that Say
9 was a ringleader of traitors during the 1960s.
10 Ta Nuon Chea mentioned Say's name, that he was a traitor leader
11 in 1977 in the Northwest Zone.

12 Q. Did Nuon Chea give any additional information as to why Say
13 had betrayed the revolution? What had Say done, when had Say done
14 this, where, how, etc.? Did he give any details as to what it was
15 that Say had done?

16 [09.23.44]

17 A. He did not mention what mistakes Say had made in 1977. He only
18 said that Say was a traitor of the revolution. He did not mention
19 what acts that Say committed. He simply said that Say was a
20 traitor.

21 Q. Let's talk about -- let's talk some more about Say, and
22 particularly his position.
23 You mentioned briefly what you believed Say's position to be. Do
24 you know whether Say had any other functions within the Northwest
25 Zone?

9

1 A. Regarding the position after he was arrested, he was at the
2 Zone Office 560.

3 Q. Was he -- was he also secretary or maybe deputy secretary of
4 Sector 1 and, at the same time, member of the Northwest Zone
5 Committee together with Ros Nhim?

6 A. Yes, that is correct.

7 Q. Is his name -- let me rephrase.

8 Was he also referred to as Ta Pean, in English P-E-A-N? Ta Pean.

9 Was that another name of Say?

10 A. Say was also known as Ta Pean.

11 Q. Do you remember who the other members were of the Sector 1
12 Committee in the Northwest Zone?

13 [09.26.49]

14 A. After Say was transferred from Sector 1 to Zone Office 560,
15 his position was filled by Vanh. And I only knew Vanh in Sector
16 1.

17 Q. Before I move to another person you mentioned, San, let me go
18 briefly back to the sixties again.

19 Did your Uncle Say also work with another important former member
20 of the Communist Party, Sieu Heng? Sieu Heng.

21 A. No, I am not aware whether he worked with Sieu Heng.

22 Q. And my final question before I go to San, Mr. Civil Party, you
23 said when answering my question whether you lived with Nuon Chea
24 that you, at one point in time, worked with Nuon Chea.

25 Can you tell us -- can you tell the Chamber what it was that you

10

1 did when you were working with Nuon Chea?

2 [09.28.43]

3 A. Maybe I made a mistake. I did not say I worked with Nuon Chea,
4 but it was my father who worked with Nuon Chea and who told me
5 about his work with Nuon Chea.

6 But personally, I did not work with Nuon Chea.

7 Q. Very well. Thank you. Yesterday, Mr. Civil Party, you spoke
8 about San, the person who was in charge of Division 2. And before
9 I ask some more questions about San, can you tell us what the
10 relationship was between your uncle, Say, and Division 2
11 commander San? Were they close friends, were they working
12 together? What is it that you recall about that?

13 A. As for -- as for the relationship between Say and San who was
14 commander of Division 2, they contacted each other and dealt with
15 each other during their meetings at Zone Office 560, as <San>
16 worked and stayed <> in that office.

17 Q. And was San arrested at the same time as your father and your
18 Uncle Say, or was it another time?

19 A. To my recollection, they were arrested on separate occasions.

20 [09.30.53]

21 Q. Let's talk some more about San and the two divisions.

22 Mr. President, I would like to show the civil party a document
23 that I've used before with another witness, that is, E3/1170.

24 It's an organigram of the northwest army. It is English, ERN

25 00602544; French, 005448895 (sic); and Khmer, 00443016.

11

1 And with your leave, I would like to show that to the civil party
2 and ask him whether he recognizes some names on this document.

3 MR. PRESIDENT:

4 Yes, please.

5 (Short pause)

6 [09.32.20]

7 BY MR. KOPPE:

8 Q. While you are looking, Mr. Civil Party, let me start talking
9 about this document.

10 It's -- it lists two divisions, Division 1 and Division 2.
11 Division 1 is being led here by Norng Sarim, alias San. The
12 deputy secretary is Neou, and Chhorn -- Chhorn is the third
13 member.

14 My question is, do you remember these other two Division 1
15 leaders, Neou and Chhorn?

16 2-TCCP-223:

17 A. I heard of the name Neou, but I could recognize Chhorn. As for
18 Division 1, there were Kleng, Khoy and Ren, all of whom I knew.

19 Q. Let's -- let's stay at Division 1. You said that you
20 recognized the name of Chhorn.

21 Who was he? Did you know him personally? What can you tell us
22 about him?

23 A. In fact, I knew Chhorn in 1974, when he was part of a regiment
24 of the infantry. I sent a telegram to him to get information
25 about the battlefield so that I had all the information to be

12

1 sent to the radio station -- radio section, rather.

2 Q. Do you know whether there was any -- whether there was ever
3 any contact between your Uncle Say and Chhorn?

4 [09.35.10]

5 A. I was not aware of it.

6 Q. Do you recall how often you saw Chhorn or how many times you
7 had contact with him in '76 and '77?

8 A. I never met Chhorn after <the liberation,> 1975 and 1976. <In
9 '74> I saw him only once. My correction. I would like to restate
10 it. I saw Chhorn several times in 1974 for <constant> work
11 relation. <After the liberation,> 1975 and 1976 <>, I never saw
12 him.

13 [09.36.18]

14 Q. Thank you for that clarification.

15 How about Ren, the Division 3 (sic) member? How often, if at all,
16 did you have contact with Ren?

17 A. Regarding Ren, his wife lived with me. We had <> close <>
18 relation but we never discussed in detail our work. He was a
19 commander of the army, and I was in charge of receiving
20 information and messages to <relay> to zone level. That work
21 relation had happened in 1974.

22 After 1975 and 1976, Ren was posted in Traeng. I saw him quite
23 often as well, but not in the work relation matter to discuss the
24 reports. We met as friends and as an acquaintance.

25 [09.37.58]

13

1 Q. Let me follow up on Traeng. Why was -- what was the reason
2 that Ren was stationed in Traeng? What do you know about Traeng?

3 A. I passed <> from Battambang to <Traeng and> Pailin, so <this
4 was my work>.

5 Q. Do you know whether that was a place where Northwest Zone
6 cadres and Northwest Zone military would regularly meet?

7 A. I do not know about that.

8 Q. Do you know anything about a relationship between Chhorn of
9 Division 1 and Ren of Division 2?

10 [09.39.18]

11 A. I do not know about that, either.

12 Q. And then one other question about a high-ranking military
13 person within the Northwest Zone.

14 Do you recall someone with the name Ham (phonetic), Ta Ham
15 (phonetic)?

16 A. I do not know.

17 Q. Someone who was in the Office of Logistics and who was also a
18 member of the general staff of the Northwest Zone, Ta Ham

19 (phonetic)?

20 (Short pause)

21 [09.40.30]

22 BY MR. KOPPE:

23 Q. Mr. Civil Party, did you hear my question? Someone who had a
24 high military position in the general staff and who was chief of
25 logistics within the Northwest Zone?

14

1 2-TCCP-223:

2 A. I do not know this person.

3 Q. No problem. Now, let me go back to that meeting you attended
4 in Phnom Penh where you said that Nuon Chea spoke about Say being
5 the "ringleader of traitors".

6 Did Nuon Chea speak in more general terms about what the treason
7 consisted of? Did he speak about concrete facts that led him to
8 say that treason had been committed?

9 A. No specific facts were discussed at the time in relation to
10 those who were considered traitors.

11 Q. Did he or anyone else ever speak about a failed coup d'état
12 attempt, an attempt to overthrow Pol Pot, on the 17th of April
13 1977?

14 A. I do not know about that.

15 Q. Have you ever heard of coup d'état attempts -- attempt to
16 overthrow the government on the 17th of April '77, on a later
17 day?

18 [09.43.02]

19 A. I never heard of it.

20 Q. Did Nuon Chea mention other high-ranking cadres during this
21 meeting? For instance, did he speak of someone named Koy Thuon?

22 A. I cannot recall it. I am not quite sure.

23 Q. Did he speak about the former District 106 secretary, Soth?
24 Did he ever mention that name?

25 A. I never heard of him speaking about that.

15

1 Q. Did he speak about division commander Oeun, commander of
2 Division 310?

3 A. I never heard he said that.

4 Q. Would it be correct if I say that the only name that you now
5 remember that was mentioned during that meeting was your
6 great-uncle or your uncle, Say?

7 [09.45.05]

8 A. Please clarify your question, Counsel.

9 Q. The only name that you remember now as being a traitor was
10 your -- that was mentioned during that meeting, was your Uncle
11 Say. Is that correct?

12 A. That is correct.

13 Q. In your civil party applications, E3/6636A; English, ERN
14 00859258 --

15 MR. PRESIDENT:

16 Please repeat ERN numbers. The interpreters could not follow you.

17 BY MR. KOPPE:

18 Yes. E3/6636A, English, ERN 00859258; and Khmer, 00579466; and
19 there is no French.

20 Q. In that civil party application, Mr. Civil Party, you said the
21 following, and we talked about it yesterday as well. You said
22 that Nuon Chea said that:

23 "The Party called all of you comrades here to be close to the
24 Party in order to escape from being murdered by the leaders of
25 the Northwest Zone." End of quote.

16

1 Did he give any specific details as to who would murder cadres,
2 by which methods, where this was supposed to take place? Did he
3 give any details as to how this murder by leaders of the
4 Northwest Sector were supposed to take place?

5 [09.47.49]

6 2-TCCP-223:

7 A. He never talked about that in detail.

8 Q. Are you able to give any other specific details as to what the
9 treason might have consisted of other than the stuff -- the
10 things that you already said? Sorry for that word.

11 Can you give us any more details that you remember, or is -- or
12 is this what you told us all that you remember?

13 [09.48.38]

14 A. Allow me to inform you it is a good opportunity today that I
15 am here to talk. I know very clearly, and now I am informing the
16 Court <> what I have known.

17 The line and policy of the Communist Party of Cambodia which I
18 have -- I was informed of and instructed was that the Democratic
19 Kampuchea specified very clearly <and publicly> that the three
20 classes would be smashed: feudalism, capitalism and petty
21 bourgeoisie. <Our> CPK would <boost two classes:> peasants <and
22 workers>. This <was what had been said but the action could be
23 seen after the liberation day 7 January, when> those who were
24 considered enemies of the revolution were killed. And for those
25 who were considered their own people or their own Party members

17

1 were also killed from 18 <March. From the 18th onward,> those
2 people who were engaged in the movement <of the CPK> were also
3 executed. At the end, this Communist <regime> failed. This is
4 what I can tell you.

5 Q. I will try it differently, Mr. Civil Party, see if I can maybe
6 somehow get some details.

7 Did you know at the time who the head of the hospital in
8 Battambang was in '75, '76, '77?

9 [09.51.27]

10 A. I cannot recall it, lawyer.

11 Q. Mr. President, I'll be referring to E3/4202. That's Thet
12 Sambath's book. English, ERN 00757532; Khmer, 00858342; French,
13 00849437.

14 Chan Savuth, does that ring a bell, that name?

15 A. No, it does not.

16 Q. I will be reading from a brief summary of a much longer
17 interview he gave to filmmakers, Thet Sambath and Robert Lemkin.
18 Unfortunately, only the summary is on the case file.

19 And this is what we can read in Thet Sambath's book about Chan
20 Savuth. It says the following, and let me not read it entirely,
21 but let's break it up in excerpts:

22 [09.52.51]

23 "Chan Savuth, head of the hospital in his region in Battambang,
24 said in an interview that in one of the meetings he attended in
25 Sdao to overthrow Pol Pot, Ros Nhim said secrecy was mandatory

18

1 because anyone who was found to be part of the plot would surely
2 be killed. Savuth said that after receiving instructions from Ros
3 Nhim, he ordered seventy of his men to transfer medicine and
4 medical equipment to store at his division headquarters. Asked by
5 his men the reason for the move, he lied and said they were
6 preparing to make war with Thailand. Rice was also kept in rice
7 mills and gasoline was hidden throughout Battambang and Banteay
8 Meanchey province. They planned to destroy bridges across the
9 Sangkae river in Battambang to control the west side, where they
10 had stored equipment, food, and other materials. 'This plan was
11 very important and if we won, things would be good again,' Savuth
12 said. 'We were encouraged because some center members from Phnom
13 Penh like Vorn Vet supported this plot and we had So Phim in the
14 Eastern Zone.'" End of the first quote.

15 There are many more details in his -- in his interview, Mr. Civil
16 Party, but the details that I've read out to you now, is that
17 something that you ever heard of? Are there any -- is there ever
18 any talk about plans to destroy bridges, for instance, across the
19 Sangkae river in Battambang?

20 [09.55.24]

21 A. I never heard like what you have just described.

22 Q. Have you ever heard of unlawful storage of food, ammunition,
23 equipment, military equipment to use for the overthrow of the DK
24 government?

25 A. No.

19

1 Q. Have you ever heard of meetings in Sdao that this Chan Savuth
2 attended but maybe your grandfather -- your grand-uncle, sorry,
3 or your father attended as well, meetings -- secret meetings in
4 Sdao?

5 A. No. I do not know about that.

6 [09.56.26]

7 Q. Let me read the second excerpt, and then I will ask you some
8 more questions:

9 "Ros Nhim instructed Cheal Choeun, a division commander, to
10 contact Thai communists, who would store rice, dry fish and
11 weapons for them until they staged their attack. They transported
12 the goods to Thailand at night. 'I was very sorry our plan was
13 not successful', Cheal Choeun said in an interview. 'When I was
14 detained in a re-education camp, I wished that we had attacked
15 first. I would have rather died in battle implementing this plan
16 than stay in the camp.'"

17 Have you ever seen Ros Nhim speak to Choeun, the division
18 commander that we just spoke about?

19 MR. PRESIDENT:

20 Mr. Civil Party, please hold on.

21 You may now proceed, Deputy Co-Prosecutor of the international
22 side.

23 [09.57.51]

24 MR. LYSAK:

25 I think counsel is trying to lead the civil party into a

20

1 conclusion or a theory that the Defence has which is not
2 supported by any evidence. The person who's identified in this
3 book is Cheal Choeun, this is someone who testified in the Court.
4 And the person who's in the -- who was in the org chart was
5 Chhorn, a different name, and someone who was -- a different
6 name.

7 So there's no evidentiary basis to be suggesting these are the
8 same people.

9 MR. KOPPE:

10 Well, one of the reasons for that is that the Trial Chamber has
11 decided to withhold the original interview because, from that
12 original interview of Chan Savuth, it would be crystal clear that
13 he speaks about Chhorn and Ren, the two respective Division 1 and
14 2 commanders.

15 In terms of no evidence for the 17 April 1977 failed coup d'état
16 attempt, with all pleasure, I would like to refer, for instance,
17 to E3/7333, English ERN 01002239. That's English only. That's a
18 book from Burgler. And this is what he says:

19 [09.59.33]

20 "According to Chek Win, a KR defector, planning for a coup had
21 begun in February '76 when Soth, the commander of Sector 106,
22 Siem Reap, called a clandestine meeting in Siem Reap town to
23 discuss creating rebellion that would allow people to go back and
24 work as they did before the capture of Phnom Penh. This rebellion
25 was planned for the 17th of April 1977."

21

1 The same thing is said by Kiernan, E3/1593. He also speaks about
2 the plans for 17 April '77. That is E3, as I said, 1593; English,
3 ERN 01150177, Khmer, 00637879 until 80; French, 00639118.

4 There is even a FBIS report August '77, E3/1358; English only,
5 ERN 00168287. It's a report from AFP discussing what a senior
6 Thai military General has said about an attempted coup d'état
7 which was supposed to take place on the April 17 1977. So it was
8 public information at the time.

9 I can go on for a while, but I won't. So it's a bit of a long
10 answer to the objection, Mr. President, but I think it's
11 necessary also for the sake of the public.

12 So, I think it is crystal clear that Chhorn is, in fact, Division
13 Commander Choeun that Sambath speaks about and that his -- the
14 reference is a mistake in his book.

15 [10.01.41]

16 JUDGE FENZ:

17 But Counsel, as you, yourself, said, you're drawing this
18 conclusion from documents that are not on the case file. So
19 legally, that's -- that doesn't work. About the identity,
20 obviously.

21 BY MR. KOPPE:

22 True. But I mention it for the sake of the public that you have
23 refused to admit this document into evidence. But let me
24 re-formulate my question.

25 Q. Do you know, Mr. Civil Party, whether there were any contacts

1 between Ros Nhim and Division Commander Choeun that we just
2 briefly discussed?

3 2-TCCP-223:

4 A. I am not aware of that.

5 [10.02.40]

6 Q. Are you aware of any involvement of rebels in Thailand or
7 assistance of Thai military within the Northwest Zone? Are you
8 aware of any storage of weapons or ammunition in Thailand?

9 A. No, I am not aware of any of that.

10 Q. Let me move on, then, Mr. Civil Party, by asking you a
11 follow-up question as to what you said yourself about being
12 accused, in question and answer 17 of your WRI. You said, "I
13 worked in Office 560 until they discharged me in June '77, for
14 they had doubts that I was a traitor."
15 How did you know that they had doubts that you were a traitor as
16 well?

17 A. At the time, those who came to take me away from Office 560
18 told me about it. They said that I was a traitor against the
19 revolution.

20 Q. But was there anyone specifically who said that there were
21 doubts about you and, if yes, who was this and when was this said
22 to you?

23 [10.04.57]

24 A. That person was the one who was at the staff office of a
25 division whose number I cannot recall. He worked at the staff

1 office there. And its current location is near a concrete bridge.

2 That is the lower concrete bridge, not the one opposite the
3 provincial town office.

4 And its distance to the west is only about 50 metres away, or
5 maybe 100 metres away from that bridge. If we go from the east
6 direction, its location is on the right-hand side.

7 Q. But do you agree with me that even if there were, indeed,
8 doubts about you, at the end, nothing happened to you?

9 A. Indeed. In fact, later on, I was transferred to Phnom Penh,
10 and this is what I testified yesterday, that I was taken to Phnom
11 Penh by train. Later on, I was transferred to the Royal
12 University of Phnom Penh and, subsequently, I was sent to attend
13 the meeting chaired by Nuon Chea. And this is all what I
14 testified yesterday. Later on, I was assigned to work within and
15 surrounding the Phnom Penh area.

16 [10.07.32]

17 MR. KOPPE:

18 Mr. President, before I move to my last subject, and maybe this
19 would be a good time for the break, let me remind the Chamber of
20 E29/489/1. In this document, it is filmmaker Robert Lemkin who
21 informs the Chamber that Cheal Choeun was not the right name in
22 that book.

23 So it is on the case file that there is confusion about that
24 name, so I would like to have said that for the record.

25 And my next subject would be S-21 and Prey Sar, but this would be

24

1 a good moment to break.

2 JUDGE LAVERGNE:

3 Mr. Koppe, we heard what you have to say regarding Robert Lemkin,

4 but <as far as I'm aware and unless I am mistaken,> it doesn't

5 say what would be <or what is> the identity of Cheal Choeun.

6 [10.08.42]

7 MR. KOPPE:

8 Well, as I've tried to explain in doing the testimony of an

9 earlier Northwest Zone witness, the English co-author of Thet

10 Sambath, who has no knowledge of -- herself of any events in the

11 Northwest Zone, mistakenly refers to Chhorn as Cheal Choeun, but

12 from the context and, most importantly, from the total content of

13 Chan Savuth's interview, it is crystal clear that Choeun is the

14 Division 1 commander.

15 And as I said, you're deliberately withholding that evidence,

16 which is a disgrace, if I might add again, Judge Lavergne, but

17 that's how it is.

18 MR. PRESIDENT:

19 It is now convenient time for a short break. The Chamber takes

20 the break now and resume at 10.30.

21 Court officer, please assist the civil party at the waiting room

22 reserved for civil parties during the break time and invite him

23 back into the courtroom at 10.30.

24 The Court stands in recess.

25 (Court recesses from 1010H to 1032H)

25

1 MR. PRESIDENT:

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

3 And the Chamber gives the floor to the defence team for Mr. Nuon
4 Chea to resume the questioning. You may now proceed.

5 BY MR. KOPPE:

6 Thank you, Mr. President.

7 Q. One short follow-up question, Mr. Civil Party, in relation to
8 your Uncle Say.

9 You confirmed that he was also known as Pean, but there were two
10 other names he was known by, and I would like my national
11 colleague to read them to you so that there's no misunderstanding
12 of the pronunciation.

13 Mr. President, I'll be referring to the OCIJ list, E3/10604,
14 English ERN 01222640. And it is number 7765 on the list.

15 MR. LIV SOVANNA:

16 Allow me to read the name -- the names, Mr. President. Than, Pean
17 and Say,

18 [10.34.29]

19 BY MR. KOPPE:

20 Q. Do you know, Mr. Civil Party, whether your uncle was also
21 known as Than?

22 2-TCCP-223:

23 A. I have never recognize or heard of that name. I have never
24 heard the name Than, but for Pean, yes.

25 Q. That's fine. Thank you, Mr. Civil Party. One last follow-up

26

1 question on your uncle. Let me refer you to what a witness has
2 said to investigators. That is E3/9610, English ERN -- oh, no.
3 It's question and answer 16, so no need for ERNs. This is what
4 the witness, Ham (phonetic) or Toat or whatever his name was,
5 said, and let me read it to you:

6 [10.36.10]

7 "Ta Pean, alias Say, was the chief of Sector 1. As far as I know,
8 Say was a former deputy secretary of state of the Ministry of
9 Culture during the Samdech Sihanouk regime." End of quote.

10 Is that correct, Mr. Civil Party; was -- was your Uncle Say, at
11 one point in time, deputy secretary of state of the Ministry of
12 Culture during the Samdech Sihanouk regime?

13 A. I do not know about that.

14 Q. Thank you. Now, let me move on to S-21 and Prey Sar. Can you
15 tell us what it is that you knew between '75 and '79 about the
16 existence of S-21 and -- and Prey Sar?

17 A. After I have heard of the name S-21 Prison, I started to
18 wonder and I have heard of the name Prey Sar <>, as well, but I
19 do not know what Prey Sar <means>. As for S-21 Prison, it was
20 known as Security Centre S-21.

21 And Mr. Lawyer, regarding the name Ham (phonetic), in fact, I do
22 not know the name Ham (phonetic), but <I knew> Horm; Horm at
23 logistics, not Ham (phonetic).

24 Q. I do apologize. Well, following up on this, what -- what did
25 you know, at the time, of -- about Horm; did you ever see, for

1 instance, your father or your uncle have contact with Horm?

2 [10.39.08]

3 A. I do not know about their relationship.

4 Q. Then that's fine. Let me get back to S-21 and Prey Sar. My

5 question was: Did you know, in 1977, of the existence of S-21 and

6 Prey Sar?

7 A. I do not know when that office was established.

8 Q. Well, let me -- let me then read to you what you said to

9 investigators of the International Co-Investigating Judge;

10 E3/9477, answer 36. There is a question of -- a question about

11 traitors and the arrest of cadres and -- and this is what you

12 said, and let me read it to you.

13 [10.40.28]

14 "That detention was classified based on the level of serious or

15 minor conviction. Serious conviction prisoners were sent to

16 Office S-21 and Prey Sar. The level of serious conviction

17 referred to high-educated persons and those who could speak

18 foreign languages." End of quote.

19 Is this something that you learned of after 1979, or is it

20 something that you knew when you were in Office 560?

21 A. I learned about it after 1979, about S-21.

22 Q. So just to be sure, during your work at Office 560, you were

23 -- you were never confronted with Office S-21 or Prey Sar;

24 correct?

25 A. In fact, I was aware of Prey Sar Prison. I heard about Prey

1 Sar Prison long time ago. As for S-21, I never heard of it at the
2 time.

3 Q. The distinction between serious conviction or minor
4 conviction, as you call it, is that something that you also heard
5 after 1979?

6 A. I learnt that. In fact it was said in a meeting that <well>
7 educated people, as I have told you already, Counsel, as long as
8 they were considered in the classes of feudalism, capitalism, and
9 petit bourgeoisie, could not avoid execution; I mean <for> those
10 who were well educated, <but for> those who were <barely>
11 educated were kept alive.

12 [10.43.35]

13 Q. Well, let me move on, Mr. Civil Party. One or two last
14 questions before I hand over the floor to my colleague of the
15 Khieu Samphan defence team.

16 You spoke about foreign guests that you accompanied and you also
17 spoke about Chinese visitors; do you remember any names of
18 members of a Chinese delegation visiting the Northwest Zone?

19 A. I do not know other people's name, but I know one name, Li
20 Chen Xiao (phonetic), who came to visit in Phnom Penh. The
21 Chinese delegation who went to Battambang province were not known
22 by me. I do not know their names in fact.

23 Q. Do you know whether this Chinese high-ranking person visited
24 the Trapeang Thma Dam together with Ros Nhim?

25 [10.45.13]

1 A. I do not know about that.

2 Q. Were you still working in Office 560 when this Chinese
3 delegation came to Phnom Penh?

4 A. It appears that I am not quite sure about it.

5 Q. Right. My -- my final question, Mr. Civil Party; early this
6 morning, you referred to Traeng, the place where either Ren or
7 Chhorn was stationed; what can you tell us about exactly where
8 Traeng was situated?

9 A. Traeng was located on Road Number 10 from Battambang <town>.
10 From Battambang, in fact, <I estimate> it was between 20 and 30
11 kilometres away. Traeng was the fort of the army.

12 Q. Do you know whether there was also a market in Traeng?

13 A. Are you discussing about the period in the past or the current
14 period? Regarding the past period, there was no market <as I
15 knew>.

16 <I would like to clarify that during the DK, there was no market
17 at Traeng.>

18 [10.47.56]

19 Q. No, I -- I think I'm talking about the present-day situation.
20 Let me ask it differently. How far was the military headquarters,
21 that you just referred to, from -- from where the market is now
22 in Traeng?

23 A. Mr. Lawyer, could you repeat your question?

24 Q. Two things: The market in Traeng today and the military
25 barracks where Northwest Zone divisions were stationed; Traeng,

1 how far are they apart?

2 A. To my estimation, it was not far apart from one another. As
3 for the current market <> and the <fort at Traeng, they are> not
4 far apart, Mr. Lawyer.

5 Q. Would it be accurate if it was about 1 kilometre away, the
6 market and the military barracks?

7 [10.49.38]

8 A. I could only estimate that it is about correct.

9 Q. Is there also a forest about 1 kilometre away from Traeng
10 Market in '76, '77? Was there a forest, at the time, 1 kilometre
11 away from Traeng Market?

12 A. I do not know the exact location of the market there, but
13 there were forest this and there, at the time, when I went past
14 and saw the forest.

15 Q. Can you explain how far Sdau is from Traeng? Sdau, I just
16 mentioned, coming from Chan Savuth's interview; how far is Sdau
17 from Traeng?

18 A. On my daily trip passing that location, I think it was not far
19 apart from Sdau to Traeng.

20 Q. And were also military headquarters in '76, in Sdau; did they
21 exist at the time?

22 A. Yes.

23 Q. And are you able to tell us which division was in Sdau and
24 which division was in Traeng?

25 A. I can say that at Traeng, Ren, who was part of a division, was

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1 stationed there, but I cannot tell you which number of the
2 division Ren was part of.

3 Q. And which military units or division was stationed, if at all,
4 in Sdau?

5 A. I do not know about those people at Sdau.

6 [10.52.46]

7 MR. KOPPE:

8 Thank you, Mr. President.

9 MR. PRESIDENT:

10 And the floor is now handed over to the defence team for Mr.
11 Khieu Samphan to have the opportunity to put questions to the
12 civil party. You may now proceed.

13 QUESTIONING BY MS. GUISSÉ:

14 Thank you, Mr. President. Good morning to all of you. Good
15 morning, Civil Party. My name is Anta Guisse and I am the
16 International Counsel, together with Kong Sam Onn, for Khieu
17 Samphan and it is in this capacity that I'm going to put a few
18 complimentary questions to you.

19 Q. First of all, I'd like to get back to your appointment as
20 messenger for your father. You said that you obtained this job
21 because your father knew dignitaries and you mentioned Nuon Chea,
22 Khieu Samphan, Hu Nim, etc. So my question is: How did you know
23 that your father had known these people and can you specify, in
24 each case, under which circumstances your father got to know
25 these people, if you do know?

1 [10.54.09]

2 A. I have already testified that my father had lived in Phnom
3 Penh, so Hu Nim, Hou Youn, Khieu Samphan, and others were in the
4 list of names and he <knew> these <individuals in the period of
5 1950s and 1960s; so> he knew these people from that time onward.

6 Q. I apologize, but when you say that <"they were> part of the
7 list of names"; which list are you referring to? And I'd like to
8 specify that my question was: <If you know, under> which exact
9 circumstances did they meet; if you don't know, just tell us? But
10 aside from the fact that he lived in Phnom Penh, do you have any
11 other elements that may clarify this?

12 [10.55.24]

13 A. I have the information, in fact. Regarding Hu Nim and Hou
14 Youn, <> I saw, in 1973, they came to my location once in a
15 while. They came to visit my location once per year. For example,
16 at the time, I was living in a location close to MOUNG
17 (phonetic); that is, Dang Steung MOUNG (phonetic). It was also
18 known as Anlong Krabei (phonetic), the location where I lived.
19 They <often> brought with them documents and books for me to
20 print, so that children could have materials and books for their
21 education; the books about the alphabets, "kor", "khor", for
22 example. Those books were disseminated to the children who were
23 living in the forest and educated -- who were educated there. I
24 saw Hu Nim <who visited my location>.

25 Regarding Khieu Samphan, I, personally, never -- I, personally,

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1 did not meet him in that <time. After 1975 to 1977 -->

2 [10.57.12]

3 Q. Civil Party, I apologize for interrupting you. My question was
4 a little bit different. I understand that you said that you heard
5 about these people; you, personally speaking, in 1973. But my
6 question is -- and maybe I should read again what you said in
7 your civil party application, document E3/5000; in French, ERN
8 00807148; and Khmer, 00558233; English, 00793363.

9 And you speak, therefore, about your job as a messenger and you
10 said that you were receiving foreign visitors and this is what
11 you said, "I was able to obtain this job thanks to my father who
12 knew, even before the Khmer Rouge regime, Khieu Samphan, Nuon
13 Chea, Hu Nim, <Hou Youn> and other <dignitaries>." End of quote.
14 So my question is: If you place the period when he met them in
15 1973, as you said when you heard about these people or -- or did
16 <he> meet these people before 1973 and if that is the case, under
17 which circumstances?

18 [10.58.51]

19 A. I emphasized already that my father had known those people;
20 namely, Hu Nim, Hou Youn, and Khieu Samphan and some others. He
21 knew these people in Phnom Penh in <the> decades <of> 50 and 60
22 and <he performed his work as> I have testified for the Court,
23 once already, that he had some jobs to do at the time.
24 Later on, I became a messenger in charge of some tasks. I have
25 already told the Court, in my <complaint> application, that since

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1 -- because my father had known some of those senior people that I
2 was allowed to become a messenger.

3 I was engaged in the -- the tasks back then, and it was my daily
4 task, at the time, in the forest from 1970 up to 1975 and then
5 after 1975, I was still engaged in some similar tasks. And I did
6 that -- I did all that work until 1977, when I was allegedly
7 accused of betraying the revolution. As a result I was removed
8 and sent <to be tempered> and I was not allowed to eat enough
9 food<, I was overworked>. I was made to work in the forest in the
10 dark and also while the rain was falling down.

11 [11.01.14]

12 Q. Yes, Civil Party, I'm trying to put precise questions to you
13 and you have given a long answer. And I understood from your
14 answer that your father knew <the people I mentioned from> Phnom
15 Penh because he was in Phnom Penh.

16 I would like us to talk another point now. You talk about your
17 Uncle Say; can you tell the Chamber -- because I didn't quite
18 understand what you said, can you explain whether your Uncle Say
19 was your paternal or maternal uncle?

20 A. From what I was told by my mother, Uncle Say was <from my>
21 maternal <side>, although he was distant. However, since he had a
22 senior role and responsibility, then I refer to him as great
23 uncle and that is in addition to what he was related to my
24 mother.

25 Q. Very well. So that was a distant relative. Was your uncle

35

1 working in collaboration with your father?

2 A. Yes, they worked together.

3 Q. You, yourself, stated that you were also assigned to Zone
4 Office 560; did any other members of your family <work in that
5 office>, apart from your uncle <and your father on occasion>?
6 [11.03.26]

7 A. Yes, there were. There were staff working there. They were
8 also my relatives. They did not hold any particular senior
9 position or responsibilities there, but they lived and worked
10 there; they guarded the place; they cleaned up the place and then
11 they served guests who came for meetings.

12 As for the family members and relatives of Uncle Say and the
13 relatives of my mother, they were living within this vicinity
14 <until> 1977, all these people were taken to Phnom Penh.

15 Q. You used the term "they," in the plural, without specifying
16 the persons you were referring to; can you tell us who are you
17 referring to when you say that there were persons working in the
18 office <for Zone> 560, who were in charge of the cleaning and
19 welcoming guests? Can you tell us who they were and <if there>
20 were any kinship ties with your father, <or with Say>?

21 A. They were my in-laws; they were my elder siblings.

22 [11.05.27]

23 Q. Should I understand, therefore, that you no longer recall
24 their names and if you cannot give the names, can you tell us how
25 many people you are talking of?

1 A. There were several people in that location. There were cooks,
2 who cooked and prepare food. There were cleaners and there were
3 guards and also there were <people who maintained electricity and
4 fixed electrical fans>. So in total, I could say there were about
5 20 or over 20 people working there. I can actually recall their
6 names.

7 And the person who replaced Say was Doeun (phonetic) and
8 subsequently, Doeun (phonetic) was removed <and> transferred
9 <with me, as I testified already.>

10 Q. Excuse me, Mr. Civil Party. <I'm sorry to interrupt,> but I am
11 putting very precise questions to you. I do understand you have a
12 lot to say, but please do, at least, try to answer my questions
13 because my time is limited and I've scheduled my examination in
14 order to respect the time allotted to me.

15 A while ago, in answer to a question put to you by Mr. Koppe, you
16 talked of a visit by Chinese and Koreans and you said they were
17 bringing some assistance; can you tell us what was the purpose of
18 such assistance and what they were doing in your area exactly?

19 [11.08.01]

20 A. They came to connect the telephone line, to build the
21 railroad, and to work with electrical equipment.

22 Q. And do you know who had issued instructions for them to carry
23 out such work; <were these initiatives from> your Uncle Say or
24 <did they come> from someone else, if you do know?

25 A. No, I don't.

1 Q. You mean no, you do not know; is that correct?

2 A. That is correct.

3 [11.09.07]

4 Q. You also referred -- in your written statement, E3/9477, you
5 referred to your work as a messenger and you also mentioned the
6 kinds of messages you were in charge of and this is what you
7 stated. So, E3/9477 and it is at answer number 12 and the
8 question put to you was as follows. "Can you tell us the
9 information found in those reports?" <You are talking about>
10 reports from districts and co-operatives <which> were
11 subsequently sent to the zone. And this is what you stated,
12 answer number 12.

13 "The reports outlined the plan of building canal systems, <rice
14 production,> and <a food plan of three meals a day,> as set <out>
15 by the Party. Yet, in reality, the people did not receive the
16 food rations as outlined in those reports." End of quote.

17 My first question in that regard is as follows: You state that a
18 recommendation was made according to the Party plans, that the
19 food rations would be three meals a day; how did you come by that
20 information?

21 [11.10.45]

22 A. I learnt through meetings at the office and at the unit, as
23 well as learnt from <written> documents <> that was the policy of
24 the Communist Party of Kampuchea. However, in reality, the
25 practice could not achieve the result as planned because the rice

1 yield could not be as the same as what was on the piece of
2 paper<. People lacked food,> and for that reason, it could not
3 conform to the policy and that <was> what I saw.

4 Q. You state that those reports referred to the food rations;
5 does that mean that -- in the reports that were sent from the
6 co-operatives and the districts to the zones, do you mean that
7 some of those reports were <deceptive>?

8 [11.12.10]

9 A. In fact, the reports were deceitful because they were afraid
10 that if they could not achieve the work quota as planned by the
11 Party, <as I knew> then they would disappear<, as they did not
12 meet the quota>. And the disappearance here means that they could
13 not achieve the work quota as determined by the Party and for
14 that reason, they would be considered as weak people or people
15 who were inattentive to the work assigned by the Party.

16 Generally speaking, this message was conveyed through criticism
17 and self-criticism meetings in order to finds the shortfalls or
18 the mistakes of those <who performed such tasks.> Usually, such
19 meetings were held <once> every week or every 10 days or <on day
20 10, 20, 30. Within 10 days, the meeting was held> to criticize or
21 self-criticize in order to find the weak and the strong points.

22 Q. You also stated that as part of your duties, you sent those
23 reports to the Central Committee. As a messenger, did you know
24 how to make the distinction between the Central Committee and the
25 Standing Committee?

1 A. No, I cannot make that distinction; that is, the distinction
2 between the Central Committee and the Standing Committee. My
3 knowledge is based on what I was instructed; for example, to
4 insert the message into the envelope and then I had to write on
5 the envelope that, "It is with respect to be sent to 870
6 Committee." <> It was my own handwriting on that envelope.

7 Q. So in concrete terms, you <heard> code names, but you did not
8 quite know what they referred to; is that correct?

9 [11.15.06]

10 A. To my knowledge, 870 was the office of the Party Centre.

11 Q. Very well. You stated that you were aware of the arrest of
12 family members; notably, your father's family; can you tell the
13 Chamber when you became aware of those arrests?

14 A. In relation to the arrest of <family> members on my father's
15 <side>, I became aware of it when I met my nephew, <Naem> Sarong
16 (phonetic), who told me about that. I was told about the arrest
17 and about the mistreatment and subsequently, those people died
18 and I did not <meet any of them. I did not know exactly what harm
19 was inflicted upon them, but through what I had been told, my
20 family members were severely mistreated.> And to my knowledge, I
21 only have a surviving nephew who is residing in Pailin.

22 And I lived in Battambang; as for the relatives of my parents,
23 they lived in Koas Krala and during the regime, I was not allowed
24 to make any contact with those people. There was no contact at
25 all.

1 [11.17.26]

2 Q. Very well. I understand from your answer that you obtained
3 that information after the end of the Democratic Kampuchea
4 regime; is that correct?

5 A. Yes, that is correct.

6 Q. I would like to briefly revisit the three-day meeting, which
7 you said you attended, and during which Nuon Chea is alleged to
8 have spoken. <You indicated that the participants included>
9 soldiers. <Did I understand correctly?>

10 A. Yes, that is correct. As for those soldiers, they did not wear
11 military uniforms. Those soldiers were considered suspects or
12 were considered enemy of the revolution<. This happened at that
13 zone.> When Nuon Chea brought us to Phnom Penh, he told us about
14 that, as I testified earlier; that the Party brought us to Phnom
15 Penh in order to get out of being persecuted by those traitorous
16 groups <at the zone level>. And I have already testified to that
17 effect.

18 [11.19.19]

19 Q. Yes, precisely, Mr. Civil Party, there are things that you
20 have <already> said and I don't want you to repeat them, so I'm
21 asking questions <to clarify,> and please answer them very
22 briefly.

23 Over that period of three days, I <thought I understood> that
24 there were other speakers, <but> whose names you do not recall?
25 Was there a time, during <this> meeting, that <possible> fighting

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1 on the border was talked about during the meeting; did they talk
2 about the <military> situation <at one point or another>?

3 A. No, they did not speak about the situation along the border.

4 Q. You stated that there were about 500 to 600 persons who
5 attended that meeting; did you know all those people? Did you
6 know where they all came from or you only knew some of them?

7 [11.20.32]

8 A. Please clarify as to which meeting are you referring to.

9 Q. I'm still talking of the three-day meeting during which you
10 said you heard Nuon Chea speak and you stated that there were
11 about 500 to 600 participants at that meeting. Now, beginning
12 with civilians, do you know where the civilians came from?

13 A. They came from the Northwest Zone and to -- also, to my
14 knowledge -- rather, generally, they all came from the Northwest
15 Zone and not from any other locations.

16 Q. And as regards the soldiers, do you know what divisions,
17 companies, and battalions they belonged to; if you do not know,
18 please tell us quite simply?

19 A. No, I did not know. I did not know which military division or
20 battalion they came from.

21 Q. You subsequently said that after the meeting, some members of
22 your unit disappeared. My first question is as follows: How many
23 people were in the unit in which you worked after that meeting?

24 A. In my unit, there were hundreds of people, although I do not
25 know the exact number and it -- my estimate could be between 400

1 to 500 people. Subsequently, people kept disappearing<, but we
2 did not know where they went.> I was transferred to work in Phnom
3 Penh and in Phnom Penh I was transferred to Takao (phonetic)
4 pagoda <near> Chey Oudom (phonetic) pagoda.

5 [11.23.25]

6 Q. Excuse me, Mr. Civil Party, I really want to insist <that I am
7 trying to ask very specific questions>; I don't want you to stray
8 beyond the questions. If the Chamber has any additional questions
9 to put to you, they'll do so. I'm trying to cut short my
10 examination in order to respect the time allotted.

11 You have stated that your unit was divided into several groups;
12 do you know where the other groups were assigned to work
13 subsequently?

14 A. Besides digging canal, working in the field, and producing
15 fertilizers or tendering cattle, we were reassigned, while others
16 was all reassigned to work elsewhere and as a result, they
17 disappeared. As in my case, I was sent to work in Phnom Penh to
18 work as a construction worker and to work in hospitals <including
19 plumbing, building restrooms, and organizing places for various
20 hospitals>.

21 [11.24.48]

22 Q. I understand from your answer that some people were sent
23 elsewhere and that you didn't know exactly where they were sent
24 to. I insist, Civil Party, that you should answer my questions
25 <specifically>.

1 The last subject I would like to discuss with you is as follows:

2 Yesterday, you briefly referred to a meeting with Ieng Thirith
3 and it was yesterday at about 09.59.50 in French and you stated
4 that you held a meeting with Ieng Thirith shortly after the fall
5 of Phnom Penh.

6 I'll read out to you what you said in order not to distort your
7 statement. This is what you stated, "Subsequently, towards the
8 end of the regime; that was the time when Phnom Penh was about to
9 fall, Ieng Thirith also invited us to a meeting to talk about the
10 route that we had to use to flee." End of quote.

11 The question, with regard to the meeting you have referred to,
12 was: On what date was that meeting held?

13 [11.26.12]

14 A. In December 1978, and at the location, which is currently the
15 Council of Ministers, she held a meeting for all staff, including
16 myself, <patients> as well as those who were in charge of
17 patients at all hospitals, that we had to evacuate the people to
18 the Western direction.

19 Q. You say December 1978; do you remember whether it was after
20 the 15th, before the 15th, or before the 20th? Can you remember
21 more precisely the date?

22 A. No, I cannot recall the day.

23 Q. And are you sure that it was in December 1978?

24 A. To my recollection, that would be <right> after the meeting,
25 we fled from Phnom Penh.

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1 Q. When you attended that meeting, in what unit were you working
2 and what were your exact duties and responsibilities?

3 [11.28.13]

4 A. At that time, I was a construction worker at a medicine
5 production <facility> at P-1, which was located near the present
6 office of the Council of Ministers and we were called to attend a
7 meeting to receive instructions that we had to evacuate as far as
8 possible from Phnom Penh.

9 As for the serious patients or those who were sick, they would be
10 sent via a train to Battambang province and basically, that was
11 the content of that meeting from my recollection.

12 Q. And do you know whether, in December 1978, there were other
13 similar meetings held elsewhere or you're not aware of that?

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

15 MS. GUISSÉ:

16 Mr. President, I am done with my questions.

17 [11.29.42]

18 MR. PRESIDENT:

19 Thank you, Counsel. And Mr. Civil Party, as I reminded you
20 yesterday, that toward the conclusion of your testimony, you are
21 given an opportunity to make an impact statement in relation to
22 harms you suffered and which led you to become a civil party. Or,
23 if you have any questions that you would like to put to the
24 Accused, you may do so by putting those questions to the Accused
25 through me, the President of the Chamber.

1 2-TCCP-223:

2 First of all, allow me to say good morning to, Your Honours, and
3 everyone. Today, I am honoured that I am allowed to make an
4 impact statement in relation to harms I suffered through
5 Democratic Kampuchea and that I am allowed to put the questions
6 to Mr. Nuon Chea.

7 And I have one question to put to him. My question is as follows:

8 Regarding the killing and the mistreatment of 7 million people,
9 although the number of dead differs or ranges between 3 million
10 to <over> 1<> million, what is your responsibility for that<?

11 This is the first question.> Or do you think that the foreigners
12 should take responsibility for that? And that is all my question.

13 [11.31.38]

14 As for my impact statement, <up to now,> everything is beyond
15 words. I do not know how to describe in words of my hardship;
16 it's beyond imagination. <This suffering is so overwhelmed that
17 I> cannot accept it. I lived in <peace, but then> I was separated
18 from my parents, siblings, and relatives and I have nowhere to
19 live and at this point in time, I have nothing. I don't receive
20 any education. I don't have any plot of land so that I could live
21 in and survive. I <do not know whom I should talk to about> what
22 is inside my heart. I do not have anything else to add to what I
23 have just spoken of since nothing can be described in words. At
24 present, I live in a status which is more -- which is lower than
25 animals and that's a result of what happened during <this brutal>

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1 regime <in my country.> I am thankful that I'm allowed to make
2 this statement of harm and suffering.

3 [11.33.49]

4 MR. PRESIDENT:

5 The Chamber wishes to inform you, Mr. Civil Party, that in the
6 proceedings in Case 002/02, from the outset, Mr. Nuon Chea, the
7 accused, informs the Chamber that he exercises his rights to
8 remain silent and not to respond to questions. And on the 8 of
9 January 2015, in response to the question of the Chamber, the
10 co-accused reaffirmed his position to exercise his rights to
11 remain silent and so far, the Chamber has not been informed about
12 any change in status so that he would respond to a question and
13 pursuant to the existing domestic and international laws, the
14 Chamber has no right to compel the Accused to respond to the
15 questions by the party or by the Bench.

16 [11.34.53]

17 And Mr. Civil Party, the Chamber is grateful of your presence, as
18 well as your testimony and the statement of harm and suffering
19 that you claim you suffered during Democratic Kampuchea. It is
20 now concluded and your testimony may contribute to the
21 ascertainment of truth -- or the truth in this case.

22 You are no longer required to be present in the courtroom and for
23 that reason, you may return to your residence or wherever you
24 wish to go to and we wish you all the very best.

25 Court Officer, please work with WESU to make transport

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1 arrangement for this civil party to return to his residence or
2 wherever he wishes to go to.

3 It is now time for the adjournment and we will resume at 1.30
4 this afternoon to continue our proceedings.

5 For the afternoon sessions, they continue -- we will continue to
6 hear the remaining testimony of witness Thuch Sithan from France
7 via video link.

8 Security personnel, you are instructed to take Khieu Samphan to
9 the waiting room downstairs and have him returned to attend the
10 proceedings this afternoon before 1.30.

11 The Court stands in recess.

12 (Court recesses from 1136H to 1331H)

13 MR. PRESIDENT:

14 Please be seated. The Court is now in session and the Chamber
15 continues to hear the witness, Thuch Sithan, via video link from
16 France.

17 MS. THUCH SITHAN:

18 Good afternoon, Mr. President.

19 MR. PRESIDENT:

20 Are you present now and can we proceed?

21 MS. THUCH SITHAN:

22 Yes, I'm ready, Mr. President.

23 [13.31.58]

24 MR. PRESIDENT:

25 And the floor is now given to the <International> Deputy

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1 Co-Prosecutor to resume the questioning to the witness and the
2 time left for the Deputy Co-Prosecutor and Lead Co-Lawyers for
3 civil parties is 15 minutes.

4 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

5 Thank you, Mr. President. <At the outset,> I would like to let
6 you know that the civil party lawyers will have no questions for
7 the civil party. I thought that I had 25 minutes remaining, so
8 I'll try to move ahead as fast as possible.

9 Good afternoon, Witness.

10 MR. PRESIDENT:

11 No, you are not allowed such a long time, <> because the Chamber
12 is intended to finish the testimony of this witness today. So you
13 are only allowed to put question in the period of 15 minutes left
14 and particularly, you are directed to <make the efficient use of
15 your time to> put the relevant questioned concerning the facts
16 adjudicated before this Chamber.

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Witness, I would like to put questions to you regarding Khieu
19 Samphan. Could you briefly tell us if you met Khieu Samphan
20 during the DK regime and upon which occasions?

21 [13.33.38]

22 MS. THUCH SITHAN:

23 A. I met him once in 1978, when my husband <> was <already> sent
24 there. <A few months later, I met him,> that was the first time
25 and also the last time that I saw him. I had never seen him

1 before, but I heard his -- him over the radio broadcast.
2 <In case of Aunt> Ieng Thirith -- in fact, <when> my husband was
3 taken away and at the time, I did not have job to do, so I was
4 required -- since I could speak French, I was required to buy
5 <raw> material that could be used to produce the medicine. I was
6 required to <replace the work of my husband, so I was assigned to
7 meet Khieu Samphan>. <That was about> two or three months later,
8 my husband was taken away to Phnom Penh <but I did not know where
9 it was in Phnom Penh>. There were a lot of children at that
10 location and at the time, I was about 22 or 23 years old and I
11 thought that I was older compared to those children. I saw many,
12 many children<, including his child, the daughter.>

13 [13.35.09]

14 Q. Witness, I'm sorry; I have to interrupt you. I only have 15
15 minutes left, so please answer my questions very briefly. I
16 apologize for interrupting you.

17 So the meeting with Khieu Samphan, when you saw him, where was
18 this; was it a ministry; was it somewhere else?

19 A. At other locations, <that was not the ministry.> I went to
20 submit the forms to purchase input materials or medicines<, it
21 was not the ministry, it was just a place where there was> a
22 person to receive my form and <process the form. The person was a
23 specialist who was not affiliated with> politics in fact.

24 [13.36.05]

25 Q. <To save time,> I'm going to read out what you said to the

1 investigators of the OCIJ; document E3/378; at Khmer, page
2 00349544 and 45; French, 00342205; English, 00345543. So you said
3 the following:

4 "In 1978, when I took over from my husband ordering raw
5 materials, <I had to go> to the Ministry of Commerce <just once>
6 with about 10 other people to discuss something relating to
7 procurement."

8 A little bit further on, you said, "The office <only> handled
9 foreign trade. That day, <by chance,> I happened to see Khieu
10 Samphan and we submitted our projects to him." End of quote.
11 So based on what you understood at that meeting at the Ministry
12 of Commerce, therefore, or more generally speaking, based on what
13 you understood from Khieu Samphan's position when you met him,
14 did he play any kind of special role in terms of trade or
15 <possibly> in terms of supervision <or management> at the
16 Ministry of Commerce?

17 A. He did not play any important role. I submitted my form and he
18 advised me not to purchase <too much and> unnecessary equipment.
19 <To my understanding,> he did not hold any political position. He
20 was there to receive my form to purchase items. At the time, he
21 was not in charge of the Ministry of Commerce; there was another
22 person in charge of it.

23 [13.38.17]

24 Q. So you said yesterday that your brother was stationed at
25 Kampong Som, for a long while, as director. So during the regime

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1 or afterwards, did he tell you if he had any kind of special
2 relationship with Khieu Samphan?

3 A. No, he did -- he never discussed that matter. I never met my
4 elder sibling during the Khmer Rouge time. We met in the decade
5 of 1990. Before that time, we had never met each other and he, my
6 sibling -- my elder sibling never discussed about the person
7 named Khieu Samphan.

8 Q. Did your brother have any kind of position in Hong Kong?

9 A. At the time, from what my sister-in-law told me, there was a
10 problem with my elder brother and at the time, they intended to
11 remove my elder brother <because there was an issue>. For this
12 reason, he was sent abroad; not together with his family and
13 children, so he was in a dangerous situation. He was sent out
14 abroad.

15 And I was warned to be careful with my husband <not to create any
16 problem>, but in fact, my husband had already been taken away
17 already. I did not tell him about that. She advised me that
18 please be careful; <that> my husband <must not create any issues
19 because the brother already had the issue, but at the time my
20 husband was sent abroad>.

21 [13.40.47]

22 Q. Fine. So, in order to speed things up, yesterday you spoke
23 about the disappearance of your husband from the Ministry of
24 Social Affairs, so could you explain the Chamber if you,
25 personally, met Ieng Thirith regarding the disappearance of your

1 husband and if that is the case, could you tell us if she showed
2 documents to you relating to your husband?

3 A. After he had been taken away for one week or 10 days, I was
4 given a document to read, but I could not read it because it was
5 incomprehensible<, I cried the whole time>. So that person read
6 the document to me and told me that my husband <conspired> with
7 the one in charge of medicine and that woman whom my husband had
8 an issue with was single and I was warned not to <think that> my
9 husband <would return> and I was told <to think as if he was
10 killed in a car accident>.

11 [13.42.14]

12 Q. You said, "I was told," so are you speaking about Ieng
13 Thirith; is it she you met? Is she the one who read part of that
14 document <to you>?

15 A. Bong was referred to at the time. The word "bong" was referred
16 to at the time. Angkar took my husband away. Now, let me
17 continue. That was the first time I was told. Two or three weeks
18 later, I went to meet that person. I asked that person about the
19 accusation against my husband and whether or not there was <any
20 proper> evidence. I, at the time, knew that I -- I was not
21 entitled to enquire about my husband, but I had to be brave and
22 courageous to ask about my husband's issue and I was warned and I
23 was told that I did not trust Angkar.

24 Q. My question is very simple and you can give me a yes or no
25 answer. So this person who spoke to you about the arrest of your

1 husband and in particular, about this document, was this person

2 Yeay Phea, alias Ieng Thirith; yes or no?

3 A. She -- in fact, that person received that document, but in

4 fact, there was maybe a person above her. <In there, there was no

5 one else, it must be> that person <who> received the document

6 from the top.

7 [13.44.44]

8 Q. Fine. And this document, was <your husband's confession>?

9 A. I did not see it personally; the document was given to me, but

10 I did not have courage to read it. <I cried the whole time. I did

11 not read it,> it was read <to me>.

12 Q. For the record, <the confessions of Pen Vasai>, alias Tel and

13 alias Sai, <technical assistant at the> Ministry of Social

14 Affairs, <are under ERN E3/2387. There is also> mention of the

15 witness' husband on about 10 prisoner lists, in particular on

16 document E3/2168, at number 27 of this list of S-21 prisoners.

17 <These lists> mention that he was arrested on 3 March 1978.

18 Witness, you spoke about your superior, Sou; was Sou arrested

19 during the same period as your husband?

20 [13.46.21]

21 A. I did not know about the disappearances of the two persons

22 because it was the time I had just delivered the baby. <I did not

23 see my husband come to see the child for two weeks. Usually, he

24 walked passed there.> I did not know who else disappeared. Later

25 on I was told that two persons disappeared and Sou disappeared in

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1 the same period as my husband on the 3rd <of March 1978>. Not
2 only my husband and Sou disappeared but there was another person,
3 that is my husband's supervisor who also disappeared. <My husband
4 was merely a specialist, but that person was his supervisor.
5 Altogether there were three people who disappeared from the
6 Ministry of Social Affairs.>

7 Q. Thank you. For the record, the confessions of Sin Phal Kun,
8 alias Sou, is at document E3/1896.

9 And you spoke yesterday about Dy Phon. Do you know if Dy Phon and
10 his wife also disappeared, as you said?

11 A. Are you asking me about Dy Phon?

12 Q. Yes. I was speaking about the dentist, Dy Phon, whom you spoke
13 about yesterday. Did he and his wife also disappear?

14 A. He disappeared in a later stage, maybe in 1978 one month or
15 two months before the arrival of the Vietnamese. He was later on
16 taken away after the disappearance of my husband. I <still> saw
17 him after my husband had disappeared.

18 [13.48.33]

19 Q. Fine. Here it is indicated that both of these people were sent
20 to S-21. His name was Dy Phon, alias Thuk, and his wife Ing Huon,
21 alias Van, and both of their names appear on the list of <28
22 (sic)> prisoners from the Ministry of Social Affairs at S-21,
23 reference E3/2088; at English, page 00244255; Khmer, 00040092 and
24 93; and there is no French version. Both were arrested on 10
25 December 1978, according to this document.

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1 And there are two or three other people I would like to mention
2 to you and I would like to know if you knew them back then.
3 First, Hong, his revolutionary name. His full name is Mok Sam Ol,
4 alias Hong therefore, was the Director of <Office PH-5 and of>
5 the Malaria Eradication Office, and his wife was called La, L-A.
6 Her full name Pen Tan <(phonetic)>, alias La.
7 Did you <meet or> know these people back then?
8 [13.50.04]

9 A. Yes, I knew Hong but after I came to live at the Russian --
10 Khmer-Soviet Friendship Hospital or Russian Hospital <and
11 Ministry of Social Affairs, I had never contacted him.> He was
12 the one who transferred to me to the social affairs section.
13 After I had left the forest for the Russian or Khmer-Soviet
14 Friendship Hospital, I was a <nurse> but <he transferred me to
15 organise> medicine <instead>. I was <a bit disappointed because
16 my skill was at nursing, organising medicine on the other hand
17 was not my skill>.

18 Q. Witness, witness, I simply want to ask you a simple question
19 <since you know> Hong.
20 So did Hong and his wife also disappear under the DK regime? And
21 I'll take advantage of this as well, <to ask> if the <person
22 known as> Men Tol <(phonetic)>, alias Sat <(phonetic)>, and his
23 wife Lach Dara <(phonetic)>, alias Than <(phonetic)>, did you
24 know them and did they also disappear under the DK regime? So we
25 are speaking here about two couples for which I am asking if you

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1 knew them and if they disappeared.

2 [13.51.58]

3 A. Bong Hong and Bong La, two of them, I knew two of them but I
4 do not know when they disappeared to. After I had left that
5 hospital, I came to work in the Social Affairs section. I no
6 longer had any communication or contact with those at the
7 hospital. I am not sure about San (phonetic).

8 MR. PRESIDENT:

9 You ran out of time now, Mr. Deputy Co-Prosecutor, and the
10 Chamber gives the floor to the defence teams for the Accused,
11 starting first from the defence team for Mr. Nuon Chea to put
12 questions to the witness, Thuch Sithan.

13 QUESTIONING BY MR. KOPPE:

14 Thank you, Mr. President. Good morning, Madam Witness. I have not
15 very many questions that I would like to put to you, just a few.

16 Q. I would like to start by asking you something about a person
17 that you mentioned in your statement E3/5305, and that is someone
18 with the name Thiounn Thioeunn. Do you recall who he was?

19 [13.53.30]

20 MS. THUCH SITHAN:

21 A. Thiounn Thioeunn was a part of the medical affairs or
22 hospital. He was part of the surgeon group.

23 MR. PRESIDENT:

24 The name is Thiounn Thioeunn, Thiounn Thioeunn.

25 <MS. THUCH SITHAN:>

1 <Yes, of course, Thiounn Thioeunn>

2 BY MR. KOPPE:

3 Q. Thiounn Thioeunn. Did you work directly with him between '75
4 and '79?

5 A. I never worked with him between 1975 and 1979. But in <around>
6 1973, when the Khmer Rouge had yet won the power, I <> worked
7 with him <one or two times> and I went into the surgery section.
8 And later on, he moved his office and I started to work with Dy
9 Phon, the dentist.

10 Q. Do you know whether Thiounn Thioeunn was the chief medical
11 doctor of the Khmer Soviet hospital already in 1970?

12 A. 1970?

13 Q. 1970.

14 [13.55.25]

15 A. In 1970 I was still a student. I was not yet engaged in the
16 medical section. I, at the time, had no specific relationship
17 with him in 1970, since I was still a student.

18 Q. I understand; no problem. Did you know, at the time, or do you
19 know now, the three brothers of Thiounn Thioeunn?

20 A. <> At the time that I reached France I started to know his
21 siblings<. When I was in Cambodia,> I knew only Thiounn Thioeunn.
22 And later on I had moved to France and I had started to know his
23 siblings.

24 [13.56.36]

25 Q. Just briefly, one of his brothers is Thiounn Mumm who used to

1 be the Minister of Economy and Finance and a member of the Front
2 uni national, the FUNK movement in the early seventies. Did you
3 know Thiounn Mumm at the time, let's say, between 1970 and '79?

4 A. I never met that person between 1970 and 1975. It was <not>
5 until the time I had reached <France> that I met Thiounn Mumm.

6 Q. Do you know whether he is still alive today?

7 A. He is alive nowadays, to my understanding, but he is very in
8 -- he is in a very advanced age, 97 <or 98> years old. A few
9 years ago he was almost dying but he could recover and could
10 survive <because his child was a senior doctor,> and he is now in
11 a very advanced age.

12 Q. Indeed. Let me move to his other -- to the other brother. He
13 used to be the Ambassador to the United Nations for DK and
14 subsequently after 1979, as well up until 1992. Thiounn Prasith,
15 did you know him or do you know him today? Is he still alive?

16 A. As I have just told you, besides Thiounn Thioeunn, whom I knew
17 in 1973 or '74, I <did not> know <any of> his other siblings<. I
18 met them when> I arrived in France, and there was an occasion
19 that I had the opportunity to meet with intellectuals when they
20 had already arrived in France.

21 Q. Well, one final question. Do you know whether Thiounn Prasith
22 is still alive?

23 [13.59.35]

24 A. Yes, he is still alive from my inquiry.

25 Q. Thank you for that clarification, Madam Witness, on the

1 Thiounn brothers.

2 Let me move onto some questions in relation to the Ministry of
3 Social Affairs that you were working for. I would like to show
4 you two documents, and hopefully you will be able to read it from
5 where you are. I now would like to ask you one or two questions
6 about these documents.

7 Mr. President, with your leave, I would like the AV Unit to show
8 on the screen document E3/2941; English, ERN 00583816; Khmer,
9 00381949; French, 00769978.

10 [14.00.58]

11 MR. PRESIDENT:

12 Yes, you may. And AV Unit, please show that document on the
13 screen as requested by the Defence Counsel.

14 BY MR. KOPPE:

15 Q. Madam Witness, can you see the document?

16 MS. THUCH SITHAN:

17 A. No, it is not clear to me. Do I have such a hard copy of this
18 document with me? What does this document talk about?

19 Q. If you cannot read it from the screen it's difficult. It's a
20 document that talks about large quantities of medicine, requested
21 from China on the 15th of January 1978. It is a medicine that is
22 requested to "save the wounded combatants" and it talks about,
23 for instance, 30,000 ampules of ampicillin, all kinds of medical
24 goods.

25 But let me first ask you--

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1 A. And what is your question, Counsel?

2 [14.02.50]

3 Q. I was just summarizing a bit this document. My first question
4 is on the very top of that page you see four names that were
5 included in the Cambodian side of the delegation. It says
6 Comrades Rith, So, Chheng and Phat and my question is whether So
7 is the Sou that you have been referring to yesterday and today?

8 MR. PRESIDENT:

9 Witness, please hold on. Witness, please hold on. Madam Thuch
10 Sithan, please hold on.

11 And Deputy Co-Prosecutor, you have the floor.

12 MR. DE WILDE D'ESTMAEL:

13 It's not an objection to the question, but in this Chamber at
14 least, when we use a document we usually say what it's about. <I
15 think the Defence took care to avoid mentioning the fact that
16 this is a> <report from the 'Trade Committee',> addressed to
17 Comrade Hem.

18 [14.04.15]

19 BY MR. KOPPE:

20 Fine. It is directed to "Beloved Brother Hem", indeed.

21 Q. So Madam Witness, my question was about the Cambodian comrades
22 that are mentioned there, Comrades Rith, So, Chheng and Phat. And
23 my question, was this So, is that the person that you have been
24 referring to yesterday and today?

25 MR. PRESIDENT:

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1 The name is So in Khmer and it's not Sou.

2 MS. THUCH SITHAN:

3 A. The name So does not sound familiar to me because the person
4 that I knew named Sou, not So.

5 BY MR. KOPPE:

6 Q. Then that question is answered. Madam Witness, were you
7 involved in the urgent purchase of medicines for the wounded
8 Cambodian combatants in early '78 after the clashes with
9 Vietnamese troops? Were you somehow involved in this urgent
10 request to China?

11 [14.05.47]

12 MS. THUCH SITHAN:

13 A. No, I did not involve in any purchase and I did not know about
14 any wounded.

15 Q. That's no problem. Then one or two questions about another
16 document that I would like to share, with your leave, Mr.
17 President, on the screen as well. That's E3/9648. That's a
18 document entitled, "Medicines from China"; English, ERN 00233531;
19 in Khmer, 00072602.

20 MR. PRESIDENT:

21 Yes, you may proceed.

22 And AV Unit, please show the document on screen as requested by
23 the Defence Counsel.

24 [14.06.59]

25 MS. THUCH SITHAN:

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1 A. The document on screen is not clear to me.

2 BY MR. KOPPE:

3 Q. Maybe we can show it again and meanwhile I'll be reading. Are
4 you seeing it now, Madam Witness?

5 MS. THUCH SITHAN:

6 A. Allow me to say that I did not have any relationship with the
7 commerce nor did I have any relationship in the purchase order.
8 It did not fall under my responsibility. My responsibility was to
9 receive medicines and later on distributed those medicines. I did
10 not involve in the purchase of those medicines.

11 And this document seems to be originated from the Ministry of
12 Commerce, and for that reason it did not have any -- I did not
13 have anything to do with it since I only dealt with the
14 distribution of medicines to the people. <I never saw the
15 ministry receiving medicine from China. I did not know about
16 this.>

17 [14.08.00]

18 Q. I understand. However, the document -- the document talks
19 about the acquisition of medicines from China, Chloroquine in
20 black tablet and in white tablet and Primaquine and it is about
21 the distribution of those medicines in August '76, to the various
22 zones. One example, number one, "The East Zone will be
23 distributed 280,000 tablets in Chloroquine in black tablet and
24 7.8 million tablets, white tablets in Chloroquine and 60,000
25 tablets Primaquine."

1 Is this something that you were involved in, the distribution
2 over the various zones of Chinese medicine?

3 A. <When> I received medicines<, I would distribute these
4 medicine,> including those old <medicines from Phnom Penh> as
5 well as newly-obtained medicines and we distributed those
6 medicines. But I did not have any contact or relationship with
7 the commerce or with the Chinese group <in order to request or
8 purchase the medicine>. That did not fall under my
9 responsibility.

10 Q. Can you explain to the Chamber what was your responsibility?
11 Were you involved in, for instance, in deciding which numbers of
12 which tablets would go to certain zones?

13 [14.10.08]

14 A. As a practice, Bong Sou gave me a list of the medicines to be
15 distributed and Bong Sou received her orders from the upper
16 echelon, that is, the Ministry of Official Affairs. So after I
17 received the instructions from Bong Sou I would arrange a package
18 for each province.

19 Q. So would it then correct -- would it be correct to say that
20 you were the one who was deciding on the number or quantities of
21 medicines that would go to the various zones; correct?

22 A. It was the instructions that I received from her <because she
23 knew> the number of population of each province. <Among us,
24 there were four people who> received this list of the number for
25 distribution and after we received it we had to distribute those

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1 medicines and put it into the package for each province according
2 to the number of the population of that responding province.

3 Q. That is very clear, thank you.

4 Were you also involved in somehow verifying whether these
5 medicines actually arrived in the various zones and whether these
6 medicines were subsequently distributed to the people in the
7 provinces who needed those medicines?

8 [14.12.08]

9 A. I did not know whether the medicines arrived <or not> because
10 we packaged for each province and then people from the province
11 would receive it. So it is beyond my knowledge to know whether
12 the package arrived because at the time I, myself, worked only
13 within the Ministry of Social Affairs and I did not go to those
14 provinces.

15 Q. I understand, but do you know whether the Ministry of Social
16 Affairs received, somehow, signals that the medicine that were
17 distributed didn't end up with the people? Did you receive such
18 signals?

19 A. No. We never received such a signal.

20 [14.13.17]

21 Q. Let me read to you something that Ieng Thirith told an
22 American journalist in her interview somewhere in 1980, I
23 believe.

24 Mr. President, I'll be referring to document E3/659; English, ERN
25 00182325; French, 00743050; and Khmer, 00741121 to 23 -- sorry,

1 22 and 23.

2 So Madam Witness, I'll be reading to you what Ieng Thirith told
3 this American journalist in 1980. I will be reading slowly:

4 "But you can see that regularly we sent medicines. We sent things
5 to our people regularly every month many, many things. If you can
6 have the register or le registre, you can see our people must be
7 well-served in medicines, but the governors of the regions, they
8 stop these medicines in order to execute, to carry out their
9 order of 'Lei Yuon'." -- or Le Duan, the number one of Vietnam --
10 "They stopped these medicines and do not distribute to people,
11 just as the Vietnamese do just now with humanitarian aids. They
12 stopped, do not distribute to people and even destroyed those
13 stocks by fire and so on." End of quote.

14 This is, as I said, Madam Witness, your boss, Ieng Thirith,
15 speaking in 1980. Does it somehow refresh your memory?

16 [14.15.52]

17 A. No, I did not witness such an event. Distributions were --
18 medicines were distributed and people came to pick them up and
19 that's the end of my responsibility. And I did not receive any
20 confirmation as whether the medicine was received or where it was
21 distributed to.

22 Q. Fine, that is no problem. Thank you for that clarification,
23 Madam Witness.

24 Now, let me move to my next subject and that is a speech that the
25 husband of Ieng Thirith gave to the General Assembly of the

1 United Nations in October 1977.

2 Mr. President, that is E3/1586, paragraph 60, English ERN -- oh,
3 dear. The last five, six digits are 079815, Khmer 00291027 until
4 28, and French 00617797.

5 Now, before I read to you what Ieng Sary was telling the General
6 Assembly, were you yourselves somehow involved in preparing the
7 speech to the U.N., more particularly the perspective from the
8 social and health fields of DK?

9 [14.17.58]

10 A. I did not have any contact with Ieng Sary. I never worked with
11 him, nor did I attend any meeting with him at all.

12 Q. I understand. Let me read to you a few things that he said and
13 then I would like to ask your reaction.

14 So this is -- this is the paragraph about the social and health
15 fields, and he says, quote: "In the social and health fields, in
16 order rapidly to improve the health of the entire population, we
17 are training revolutionary doctors who are moved by a deep love
18 for the people and by a lofty spirit of self-sacrifice and we are
19 producing medicines from the herbs growing in the country."

20 A bit further: "We are paying particular attention to the
21 eradication of malaria. In the past year, the first year of the
22 four-year plan for the eradication of malaria, 70 to 80 percent
23 of the planned targets had already been achieved. We are
24 endeavouring very rapidly to improve the living conditions and
25 the health of our people because we need a population of 15 to 20

1 million in 10 years' time." End of quote.

2 Madam Witness, were you aware of four-year plans or plans in
3 respect of the eradication of malaria?

4 [14.19.56]

5 A. No. I was not aware of that. I did not receive any such report
6 nor did I attend such a meeting with Ieng Sary.

7 Q. Were you somehow involved in other plans of the Ministry to
8 improve the living conditions and the health of the Cambodian
9 people?

10 A. No, I did not -- I did not have any such opinion or plan
11 because I was not a Party member and I did not hold any major
12 position within the Ministry of Social Affairs. My main
13 responsibility was for the distribution of medicines. And as for
14 the Party's plan to increase the population or to improve
15 healthcare, I did not have such a plan with me.

16 [14.21.18]

17 Q. Do you know whether the development of these plans was done at
18 a higher level of the ministry and involved CPK cadres only?

19 A. I did not know about that. During the regime, people who were
20 Party members knew about things that we, the non-Party members,
21 could not know since we did not attend those meetings. For that
22 reason, I did not know what they discussed during such meetings
23 for Party members.

24 Q. Would it be fair to say that you were a relatively low-ranking
25 member of the Ministry of Social Affairs?

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1 A. During the regime only when you became a Party member then you
2 would enjoy such a privilege. But I never became a Party member<.
3 Since> I <had the> knowledge in the French language<,> they
4 needed my expertise in this technical field. So, all matters that
5 were raised or discussed during the Party's meetings, I did not
6 participate.

7 [14.23.16]

8 Q. I understand. My final question, Madam Witness, I would like
9 to refer you to minutes of a meeting on health and social affairs
10 to which attended Nuon Chea and Pol Pot, Ieng Thirith, and also
11 your direct boss, Sou.

12 E3/226, Mr. President. More specifically, I'll be referring to
13 English, ERN 00183372; Khmer, 00017158; and French, 00296166.

14 This is a meeting, Madam Witness, on the 10th of June 1976, and
15 during that meeting the issue of blood donation is discussed. Did
16 you know at the time anything about the problems of solving the
17 blood donation question in relation to the lives of combatants
18 who were wounded in the fights with Vietnam? Did you know
19 anything about whether a policy was developed to have blood
20 donation done in the country?

21 [14.25.18]

22 A. I do not fully understand your question. However, in relation
23 to blood donation what do you mean by that?

24 Q. Let me just read to you what's in the minutes. This is what it
25 says, and I'll be quoting:

1 "Issue of blood donation: We could expand it. We collected the
2 general public force to get more blood to save the lives of our
3 fighters at borders. If the issue could not be solved at bases,
4 it should be solved at Phnom Penh.
5 We collected forces from offices, military, industries and so on.
6 There are more than 100,000 people living in Phnom Penh. We were
7 able to collect blood from 5,000 people monthly. In the long run,
8 we could collect even more blood because we would have enough
9 food supply. The procedures were to select our men and women
10 fighters in offices and military units. This was not posing any
11 problem to us. It was not a significant sacrifice."
12 So having read this to you is this something --
13 A. I was not aware of that issue.
14 Q. That's a very clear answer. Thank you very much.
15 Thank you, Mr. President.
16 [14.27.02]
17 MR. PRESIDENT:
18 Thank you, Counsel.
19 I now hand the floor to the Defence Counsel for Khieu Samphan to
20 put questions to the witness.
21 QUESTIONING BY MS. GUISSÉ:
22 Thank you, Mr. President. Good afternoon, Ms. Thuch Sithan. My
23 name is Anta Guisse. I am <an attorney from the Paris office and>
24 the International Counsel for Khieu Samphan, <alongside my
25 Co-Counsel Kong Sam Onn>, and I have a few complementary

1 questions to put to you.

2 Q. First, I would like to revisit your stay at the 17 April
3 hospital. You said that when you left that hospital to go work at
4 the Ministry of Social Affairs, later on you did not return there
5 and you had no further contact with your former colleagues at the
6 hospital. So first of all, did I understand your testimony
7 properly?

8 [14.28.08]

9 MS. THUCH SITHAN:

10 A. Yes. I did not have any further contact with my former
11 workers.

12 Q. My first follow-up question therefore will be how far was the
13 17 April hospital from the Ministry of Social Affairs where you
14 took on your new job?

15 A. I do not recall the distance in kilometres. However, it was
16 not that far. If you ride a bicycle, which I did at the time, it
17 would take half an hour, that is, along Kampuchea Krom Boulevard
18 <to Russian Hospital>. But I cannot say how many kilometres it
19 was.

20 Q. Fine, no problem. That's your assessment and this allows me to
21 have an idea at least.

22 My following question: I believe you said that Ieng Thirith -- as
23 the person in charge of the Ministry of Social Affairs -- also
24 had some control over the hospitals and you also said that
25 sometimes there were general meetings, which you were entitled to

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1 attend even though you were not a member of the CPK.

2 So my question is the following: After you left for the Ministry
3 of Social Affairs, were there any meetings where hospital staff
4 was present at the same time as you? And if yes, without having
5 seen your former colleagues, did you however see people who were
6 working at the 17 April hospital then?

7 [14.30.22]

8 A. For the general meeting there were those who came from the
9 hospital to attend such a meeting. Although we saw each other, we
10 did not meet and chit-chat or ask how we were doing. We did not
11 have such a conversation. <When it was time for the meeting,> we
12 <merely> attended the meeting together and after the meeting
13 ended we left to our respective units.

14 Q. Fine. Well, this is a point that came up often with many
15 witnesses who testified before this Chamber. So in the meetings
16 that you might have had, whether it be at the 17 April hospital
17 first or later on at the Ministry of Social Affairs, were you
18 told about the principle of secrecy, and is it for that reason
19 you would not chit-chat with people who were not part of your
20 unit?

21 [14.31.45]

22 A. Normally, it was difficult in the regime. Secrecy was the
23 principle. No one dared to discuss and disclose any information.
24 There was no happy atmosphere for all of us. There was no happy
25 moment for all of us.

1 In meetings<, frequent> discussion about enemies was the topic <>
2 and every one of us, was concerned. We saw each other in meetings
3 and that's all.

4 And we did not have any happy moments or have any casual
5 conversation. Even I saw those whom I recognized, I did not dare
6 to go and talk with them in a happy atmosphere.

7 Q. And regarding your work, were you allowed to speak about your
8 work to other people than your direct superior and your direct
9 colleagues?'

10 A. At my work station, it was fine. Yes, <at the Ministry of
11 Social Affairs where we worked,> we could communicate with one
12 another in our own groups. In other locations, we rarely had the
13 opportunities to talk and discuss with one another. We were on
14 our own business.

15 [14.34.02]

16 Q. You spoke about one single meeting in 1978, with Khieu Samphan
17 and you said that on that day you gave him a form, a form for
18 products to manufacture medicine. So did I understand your
19 testimony properly?

20 A. No, it is not correct. When I met him he said and advised me
21 to prepare to purchase medicine and I was advised not to
22 <purchase too much as it> wasted much money. The purchase order
23 <was to return to the office before processing it, so I did not
24 buy yet>. One week <or 10 days> later, he came to collect the
25 purchase order.

1 And I did not meet him at a later stage since I was transferred
2 to work in a <plantation>. I did not -- I did not have any
3 relation or communication with him later on. <And no one came to
4 contact me,> I did not meet him on the last occasion. There was
5 only one time that I met him.

6 [14.35.39]

7 Q. Fine. So maybe let me be more <precise> in order to understand
8 well what you said. So could you tell us exactly where you met
9 Mr. Khieu Samphan on that day? Where was it and why did you go
10 <there>?

11 A. It was not my function to do that but after my husband had
12 <been> sent away I had nothing to do. <So, Ieng Thirith> needed
13 one person to work in the place in the replacement of my husband
14 <to buy materials> to manufacture medicine. There was no one who
15 could speak French at the time. So since I know how to speak
16 French, I was required to go. Although I was required to go, I
17 was -- I did not know what to buy and how to buy.

18 Q. You tell me<, and tell me if I am mistaken,> that when you
19 went to that place, and you are going to tell me exactly where
20 <you went>, you told me that you were accompanied by other
21 colleagues. Is that the case?

22 [14.37.19]

23 A. <I do not recall if> there were a lot of people in my
24 <section> but they were from different sections. I, at the time,
25 did not know how many people from my unit were with me. I did not

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1 feel -- I did not have any feeling to go since my husband had
2 been taken away. I was not so interested in going to the place to
3 purchase such things. I was required to go, so I had to go. I did
4 not remember how many of -- how many people went with me. I was
5 not really interested at all at the time.

6 Q. Who is the person who asked you to go place orders? Was it
7 <your direct superior> Sou or was it someone else?

8 A. Sou had already <gone> on 3rd March 1978. He had <been> taken
9 away at the same time as my husband. <So,> it was not Sou who
10 required me to go, after my husband had been sent away. I did not
11 have any communication with <Ieng> Thirith since trust had
12 withdrawn -- had been withdrawn from me. <Instead, a young
13 person, her messenger, came and told me to work. I had no
14 communication with her because my husband was taken away.> I, as
15 a result, was placed in a far distant -- I was placed in a far
16 distant location from others <or the responsible people>.

17 [14.39.20]

18 Q. Fine. But on that day -- well, maybe let me refresh your
19 memory first. Let me read to you, again, what you said in your
20 statement. So this is document E3/378, French, ERN 00342205;
21 English, 00345543; and Khmer, 00349545. So if you have the French
22 version, it's on page 4 at the top of the page. And this is what
23 you said:

24 "Yes, that's the truth because in 1978, when I replaced my
25 husband ordering raw materials, I <had to go just once> to the

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1 Ministry of Commerce with about 10 people to discuss something
2 relating to procurement. The office was near Ka Pi, K-2. I went
3 there by car. I do not have further details about where <exactly>
4 the office was located in Phnom Penh. The office <only> handled
5 foreign trade.

6 That day I happened to see Khieu Samphan <by chance> and we
7 submitted our projects to him. He made some recommendations
8 saying, for example, that we should not purchase too much
9 material to avoid having to throw it away." End of quote.

10 So my first question in relation to this excerpt: Is the fact
11 that you say that you travelled somewhere, and I understood that
12 you don't remember exactly where this place was in Phnom Penh,
13 but you told us that this was an office that was only in charge
14 of foreign trade. So my first question is how did you know that
15 this was an office in charge of foreign trade?

16 [14.41.47]

17 A. I thought that it was the International Trade section because
18 that person was in charge of purchasing medicines from abroad and
19 there was an Office of Commerce adjacent to the Ministry of
20 Social Affairs.

21 <But> I was taken to a different location, not the <Ministry of
22 Commerce> adjacent to the Ministry of Social Affairs. I, at the
23 time, did not know exactly the location of the place where I was
24 sent to. <But we were not> to purchase <the medical products> in
25 the country. We had to purchase raw materials from abroad. So, it

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1 <must have been> under the charge of the International Trade.

2 Q. Fine. I will get back later to the office that was adjacent to
3 your Ministry of Social Affairs, but just to finish up maybe just
4 before the break, Mr. President, who on that day told you to go
5 to that office in order to order these products? Who within the
6 Ministry of Social Affairs, if it <was not> not Sou, because she
7 was no longer there, and if it's not Ieng Thirith, then who asked
8 you to go to that place, if you remember?

9 [14.43.40]

10 A. After Sou had disappeared there was a deputy who was Khmer
11 Loeu, or part of the upper Khmer, in charge of that issue or
12 affairs in the replacement of Sou. And that deputy took over the
13 duties from Sou.

14 MR. PRESIDENT:

15 Thank you, Madam Thuch Sithan. We will have a 15-minute break. So
16 please come back to your seat after 15 minutes so that we could
17 conclude your testimony.

18 MS. THUCH SITHAN:

19 Thank you, Mr. President.

20 MR. PRESIDENT:

21 It is now time for a break. The Chamber will take a break now
22 until 3 p.m.

23 (Court recesses from 1444H to 1500H)

24 MR. PRESIDENT:

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

1 And, hello, Madam Thuch Sithan?

2 MS. THUCH SITHAN:

3 Yes, Mr. President.

4 MR. PRESIDENT:

5 Thank you. Let we resume our proceedings.

6 And, again, I'd like to hand the floor to the Co-Counsel for

7 Khieu Samphan to put more questions to the witness.

8 MS. THUCH SITHAN:

9 Thank you.

10 [15.01.37]

11 BY MS. GUISSÉ:

12 Thank you, Mr. President.

13 Q. To finish with the place, the office, where you met Mr. Khieu

14 Samphan on that day, you said -- and I understand very well that

15 you don't remember exactly where it was in Phnom Penh. I also

16 understood that you had concluded that it was an office of

17 foreign commerce because people went there in order to order

18 things from abroad.

19 So my complementary question is to ask if there was any kind of

20 inscription on the building? When you entered, was there any kind

21 of a mention, inscription, that said exactly what the place was?

22 MS. THUCH SITHAN:

23 A. No, there was no such sign or label, and I think it happened

24 to all ministries.

25 Q. Do you <mean> that at the Ministry of Social Affairs there was

1 <also> nothing indicated?

2 [15.02.56]

3 A. Yes, that is correct. There was no indication. There was no
4 label or posting indicating that it was the Ministry of Commerce
5 or Ministry of Social Affairs.

6 Q. I'd like to come back to something you said a bit ago. You
7 said that just next to the Ministry of Social Affairs there was
8 an office of commerce. Did I understand that correctly and could
9 you tell us exactly what type of office that was?

10 A. I know that adjacent to it there was a Ministry of Commerce,
11 and I couldn't catch the second part of your question.

12 Q. So the Ministry of Commerce was adjacent to the Ministry of
13 Social Affairs and the office in which you met Mr. Khieu Samphan
14 was a different office. Did I understand your testimony
15 correctly?

16 [15.04.19]

17 A. Yes, it was elsewhere. The meeting was not held at the
18 adjacent commerce, it was somewhere else.

19 Q. In the French version I heard the meeting was not held at the
20 ministry adjacent or in the office adjacent to the Ministry of
21 Commerce. Did you mean, or did you say, it wasn't at the office
22 adjacent to the Ministry of Social Affairs?

23 A. No, it was not at the Ministry of Commerce, which was adjacent
24 to it, because I went to the commerce for only one time when my
25 elder sister arrived, and the meeting was not held there.

1 Q. All right. And just to be certain that we're in agreement and
2 the level of vocabulary, when you say "adjacent" did you mean
3 that one <building was> right next to the other, or did you mean
4 that it was nearby?

5 A. The Ministry of Commerce was across the road. It was directly
6 across the road, it was not next to one another.

7 Q. All right. And when you talk about these two buildings, could
8 you please clarify if you're talking about the Ministry of
9 Commerce and the office in which you met Mr. Khieu Samphan or are
10 you talking about the Ministry of Social Affairs?

11 [15.06.56]

12 A. When I met Khieu Samphan I met him elsewhere and it was not at
13 the Ministry of Social Affairs nor it was at the Ministry of
14 Commerce. It was at a separate location.

15 Q. And just to be sure that I've correctly understood, do we
16 agree that to go from the Ministry of Social Affairs to the
17 Ministry of Commerce, you didn't need to take any type of car,
18 you could go on foot?

19 A. Yes, you could just walk across the road, and you arrived.

20 [15.07.48]

21 Q. Thank you for these clarifications.

22 Now, I'd like to ask you several follow-up questions on the
23 issues of medicines that were <already> asked by my colleague,
24 Mr. Koppe.

25 You indicated that you, yourself, were in charge of distributing

1 medicines, the medicines that had been sent to the various zones
2 of Democratic Kampuchea. You also spoke of the products that were
3 used in order to make medicines, so my question is as follows.
4 Did you know about the existence of laboratories that were used
5 to make medicines? That's my first question and I'll have others
6 afterwards.

7 A. No, I did not. I did not have any relationship with Chrouy
8 Changva where there was a laboratory there. As for the
9 traditional Khmer medicine production unit, I went there once.
10 And, in fact, over there they used tree barks for the medicine
11 production. I went there once <or twice> since my husband was
12 working there before I got married to him and that was the only
13 time.

14 Q. It seems there was a small problem with interpretation because
15 I didn't say that you had a link with the laboratories, I simply
16 asked if you knew about the existence of the laboratory.
17 From your answer, I understand that you did know that there was a
18 laboratory. <My question is: Were there laboratories> --

19 A. Yes.

20 [15.10.02]

21 Q. All right. And you spoke of laboratories for Khmer
22 medications. Was there a laboratory for medicines that were
23 created differently, such as Western medicines if I can use that
24 expression, medicines which were created by pharmacists?

25 A. No, I did not know about that laboratory.

1 Q. So if I've understood correctly, all of the medicines other
2 than homeopathic ones if I can use that, they must have been
3 ordered from outside of the DK. Did I understand that correctly?

4 A. No. The <local> medicines <in Cambodia> were produced <from
5 natural trees> according to their policy. Treatments all be done
6 in a traditional way by relying on these herbal medicines so then
7 there was no need for overseas -- such medicine from overseas and
8 thus <medicines must be manufactured from local natural herbs>.

9 [15.11.53]

10 Q. You, yourself, said that you distributed medicines and that
11 one of your tasks was to go and get a certain number of medicines
12 that were available in Phnom Penh and to distribute them to
13 various parts of the country.

14 So my question is as follows. Among the medicines that you
15 distributed, were there both traditional Khmer medicines and
16 Western-type medicines?

17 A. I did not distribute Khmer traditional medicines. As for the
18 medicines we had left in Phnom Penh, <we did distribute them.> We
19 went around gathering them, we registered them, and then they
20 were <stored in the Ministry of Social Affairs before being
21 distributed to provinces. I remembered it>. Those medicines were
22 Western-type and they were left over from the previous regime.

23 Q. And up to the time when you left the Ministry of Social
24 Affairs to go and work in agriculture, were you still
25 distributing Western-type medicines or had you changed the type

1 of medicine that you distributed?

2 A. After my husband had been taken away<, that time, I was sent
3 to work at the agriculture section> -- if I understand your
4 question correctly -- I was no longer trusted in and I was
5 removed from my previous workplace and re-assigned to work at <a
6 sugar cane plantation> and I was there alone.

7 [15.14.11]

8 Q. In these conditions is it correct to say that you didn't know
9 who carried out the distribution of medicines or the origin of
10 the medicines that were distributed?

11 A. Yes, that is correct, I did not know.

12 Q. Now, I'd like to take up another line of questioning. I'd like
13 to talk about your marriage and what you said yesterday in this
14 regard.

15 QUESTIONING BY JUDGE FENZ:

16 May I just, sorry, interrupt because you're changing the subject,
17 and I just have one question because I'm a bit confused now.

18 Did I understand you correctly, Witness, when it comes to the
19 medicine -- and I'm talking at the moment so-called Western
20 medicine -- the only medicine you distributed was medicine you
21 collected because it had been left over from pre-Khmer Rouge
22 times. Did I understand that correctly?

23 [15.15.34]

24 MS. THUCH SITHAN:

25 I do not understand your question regarding this gathering of

1 this medicine.

2 BY JUDGE FENZ:

3 You said you distributed Western medicine and you had got this
4 medicine, collected this medicine in town, and this was medicine
5 left over from pre-Khmer Rouge times. Did I get that correctly or
6 is this incorrect?

7 MS. THUCH SITHAN:

8 Yes, that is correct.

9 [15.16.11]

10 BY JUDGE FENZ:

11 Then you were confronted by counsel for Nuon Chea with lists of
12 medicine supposed to come from China. Did you ever distribute
13 medicine that came from China or any other country?

14 MS. THUCH SITHAN:

15 I saw medicines from China, but I did not see any other medicine
16 from other countries.

17 BY JUDGE FENZ:

18 And that medicine came in during the Khmer Rouge period, if you
19 know that?

20 MS. THUCH SITHAN:

21 I did not know. I only saw that those medicines was from China.

22 As for the IV--

23 [15.17.24]

24 BY JUDGE FENZ:

25 This was not the same medicine you collected?

1 MS. THUCH SITHAN:

2 There were other medicines <made> locally during the period.

3 BY JUDGE FENZ:

4 I understand, but the medicine you saw from China, you said you
5 saw medicine from China, was that the medicine or some of the
6 medicine you collected or was this medicine, which you had
7 additionally to the medicine collected from pre-Khmer Rouge
8 times?

9 MS. THUCH SITHAN:

10 There were some new medicines, which newly arrived and the labels
11 were in Chinese while other medicines were left over from the
12 pre-Khmer Rouge times. That <old medicine was of the>
13 Western-type medicines.

14 JUDGE FENZ:

15 Thank you.

16 [15.18.42]

17 QUESTIONING BY MS. GUISSÉ RESUMES:

18 Q. And to follow-up on the question of Her Honour Judge Fenz,
19 Madam Witness, you said that you worked on collecting medicines
20 from the former regime because you spoke French.

21 So my question is, did you know if within the Ministry of Social
22 Affairs there were people who spoke Chinese and who were in
23 charge of dealing with the medicines that were received from
24 China? Do you know that? If you don't, just say so.

25 MS. THUCH SITHAN:

1 A. I know that there were people who could read Chinese, but I
2 did not know how they communicated with China, whether it was
3 done through an interpreter or not.

4 Q. All right. So now I'll move to another line of questioning,
5 and this is follow-up on what you said yesterday regarding your
6 marriage. I believe that I understood yesterday that the first
7 person who spoke to you about marriage was the wife of the deputy
8 of Madam Sou. Did I understand that correctly?

9 [15.20.32]

10 A. It was Bong Sou who organized my marriage.

11 Q. I'd understood that it was Bong Sou who arranged your
12 marriage. What I wanted to know was who spoke to you about the
13 marriage the first time. Was it Bong Sou herself or was it the
14 wife of her deputy?

15 A. It was the wife of the deputy who was a Khmer Loeu and who
16 came to ask me for my opinion because Angkar wanted me to get
17 married. It was not Bong Sou herself who came to ask me about
18 that. Bong Sou sent someone to ask me.

19 Q. All right. So yesterday, just after 02.59.13 in the afternoon,
20 you said:

21 "Three or four months before the decision that I should get
22 married was taken, I was contacted to see if I wanted to get
23 married." End quote.

24 When you say this, were you talking about your first conversation
25 with the wife of <Mrs.> Sou's deputy? Did I understand that

1 correctly?

2 [15.22.18]

3 A. I do not fully understand your question, however, <the person>
4 came to ask <me my opinion regarding> a person <who was arranged
5 to be married to me> by Angkar <>.

6 Q. All right. And at that time, she was speaking to you about
7 your husband-to-be. Is that correct?

8 A. Yes.

9 Q. At one time or another, did you ever have a direct discussion
10 with Bong Sou about your husband and before the discussion to
11 know if he had already been married or if he had a fiancée?
12 Yesterday, you said that initially you had refused to get married
13 saying that you weren't ready and that then you had asked Bong
14 Sou if he had a romantic past.

15 So my question is, in your first discussion with Bong Sou on the
16 topic of your marriage, was that the conversation during which
17 you asked her questions about the past of the man <who would
18 become> your husband?

19 [15.24.15]

20 A. Yes, but it was not directly with Bong Sou, it was through
21 someone who came to ask me; that is the wife of the deputy. And
22 the person was the one who conveyed the message from Bong Sou to
23 me and I did not have this direct conversation with Bong Sou
24 before I got married and I relayed my response and the person
25 conveyed my response to Bong Sou.

1 Q. So, if I understand correctly, Bong Sou never knew directly
2 exactly what you said. It was simply the words as they were
3 conveyed by the wife of her deputy. Is that correct?

4 A. Yes, that is correct.

5 Q. You also talked about Ieng Thirith as the head of the Ministry
6 of Social Affairs, and I thought that I understood that you
7 didn't have much direct contact with her. Can you tell the
8 Chamber how often you met her and under what circumstances?

9 A. I did not see her frequently. Sometimes she asked for
10 medicines and that's when I met, and there was also a meeting
11 that took place at the location where we worked with medicines,
12 but I did not have a daily contact with the person.

13 [15.26.50]

14 Q. You said that in the context of your work at the Ministry of
15 Social Affairs, if I remember correctly, that you had about 20
16 people who were working under you responding to your orders.
17 And in the context of the interview with the investigators you
18 were asked a question about the idea of Angkar, and I'd like to
19 go back to that. For you, at your level, what did the term
20 "Angkar" mean?

21 A. Angkar means the person who had higher responsibility and not
22 just a group chief or a person who was at that level. Angkar was
23 the one who made the decisions on behalf of your parents because
24 usually for us it was our parents who made the decisions, but
25 during the regime it was Angkar. Angkar who had senior

1 responsibility.

2 [15.28.19]

3 Q. So in your statement, WRI E3/378; and this was the question in
4 French, 00342205. The ERN in English, 00345543; and in Khmer,
5 00349546. And if you would like to follow, Madam Witness, it's on
6 page 4. So the question that was asked of you is as follows:

7 "Did you <build ties> between the <ministries> and Angkar?"

8 And your answer was:

9 "No, in my case, Angkar was my direct supervisor, <Madam> Sou and
10 Ieng Thirith. I had to be Angkar for the people working under
11 me." End quote.

12 Does that correspond with how the idea of Angkar was just at the
13 time, that when people said Angkar, they were talking about their
14 immediate supervisors?

15 [15.29.52]

16 A. I was never referred to as Angkar, since I did not have any
17 authority to make decisions for those people who worked under me.
18 Without decision from Bong Sou I did not have any authority to
19 make any decision further.

20 And the most important thing about Angkar is that we, the people,
21 were divided into two groups; one, Party members and another
22 group was non-Party members, and I belonged to the latter group
23 since I was never a Party member. And I was tasked to work with
24 medicines and that was based onto my expertise.

25 If I were an Angkar it means that I had to become a Party member

1 and they needed me because of my knowledge and expertise.

2 [15.31.06]

3 Q. Well, therefore can you explain to the Chamber, because when I
4 read your statement I understood that what you meant by this was
5 that for the people working below<, who did not know much about
6 you,> they considered you as Angkar.

7 So can you explain to the Chamber<, if I misunderstood your -->
8 what you meant when you said, "I had to be Angkar for the people
9 working under me"?

10 A. I don't think that I was considered as an Angkar. It is true
11 that I was in charge of medicines. I had the right to manage how
12 the medicines were distributed, but I was not in charge of
13 politics. People were divided into different areas, politics and
14 specialty section, and I was in a specialty section, so I was not
15 in charge of politics.

16 Q. Now, I would like to discuss another topic following an
17 incident you described<, also> in your statement to the
18 investigators. First, a general question.

19 Between <April> 1975 and January 1979, were you ever made aware
20 of <any attempted coups d'état> against the leaders of Democratic
21 Kampuchea?

22 A. I was not aware of it. The assassination of whom or for which
23 leader?

24 Q. Maybe there was a problem in the interpretation. I did not
25 speak about an assassination, I spoke about <attempted attacks>.

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1 Maybe let me read your statement again maybe to refresh your
2 memory. <Maybe that will be easier and perhaps the interpretation
3 will not be a problem.>

4 [15.34.03]

5 So it's document E3/378 again, and for you it's on page 2.

6 French, ERN 00342203; Khmer, 00349540; English, 00345541. And
7 this is what you mention when you were interviewed:

8 "I would like to share with you an incident that might not <be>
9 important, but in 1977, I don't remember the exact date, however,
10 I was at the reception of the ministry and a guard gave me a
11 package that had been delivered by two men and in this package
12 there was food and it was destined to Ieng Thirith. I took the
13 package to give it to Ieng Thirith but she did not want it and
14 she told me to keep it for myself. I was very happy, but when I
15 opened the package I noted that there were <many> small shards of
16 glass that <had> been mixed with the food and I wasn't able to
17 eat the food. Now, when I think about this again, I am convinced
18 that this was an attempted <attack> against Ieng Thirith, but I
19 never spoke about this to anyone." End of quote.

20 So does this refresh your memory? Does this incident refresh your
21 memory?

22 [15.36.07]

23 A. Yes, I could recall it. I received "mam", that is the
24 Cambodian fermented fish with vegetable. <I walked passed a place
25 where there was a young person standing guard.> I was told that

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1 an item was delivered to Ming Phea. I brought that "mam" and took
2 it to Phea. She said that she did not need it and she <told> me
3 to keep it. <I was so happy because I did not have such food for
4 a long time.> Later on, I opened the box and I could see the
5 small broken <pieces of glass> in the box. I noticed that and I
6 threw away that box <because I cannot eat it>. I did not disclose
7 this matter to anyone at the time.

8 Q. Not even to Ieng Thirith?

9 A. No, I did not tell her. I did not tell Bong Sou and others
10 either. I was not interested whether or not there would be a
11 murder attempt.

12 And, later on, I started to learn that there would be something
13 happened. In fact, when I opened the box, I could see the small
14 <pieces of glass> in the box, <a lot of them actually>.

15 [15.38.17]

16 Q. When you tell us that "I learned later on that something would
17 happen", what are you speaking about?

18 A. Back then, I did not think that there was any internal
19 conflict. Later on, I started to learn that there may have
20 something happen among the people on the top.

21 Later on, I heard that there was not -- there was a
22 disappointment in relation to Son Sen's wife and I learned that
23 Son Sen's wife and the person or Ieng Thirith <did not get along
24 well from the beginning. Having said that, I am not accusing Son
25 Sen's wife of anything, but> I started to learn that there may

1 have something or argument within the regime.

2 <It was not an accident, it was strange,> I received a bottle of
3 "mam", or traditional fermented fish with a vegetable, and there
4 were crumbling parts in the box when I opened it.

5 Q. When you tell us that "I learned later on that there had been
6 problems above and that there might have been internal
7 <conflict>", can you tell the Chamber when you obtained that
8 information, <and> who relayed that information to you?

9 [15.40.43]

10 A. Until I arrived in France, I learnt about that. She sometimes
11 got angry with some people and I was told by others in France
12 that she did not get along well with the -- Son Sen's group <or
13 Son Sen's wife>. <I knew this later on. Previously, I neither
14 knew Son Sen's side nor her side.> It was <not> until I arrived
15 in France, I met people who had lived through the Khmer Rouge
16 period. It was by then that I had the opportunity to discuss
17 about the life experience in the regime.

18 So it was not an accident that I received such a box, and I did
19 not really understand at all at the time who did not get along
20 with whom.

21 Q. Just to be clear about your answer. When you say they didn't
22 get along well, do we agree that you're speaking about Ieng
23 Thirith here?

24 A. Yes. <I referred to Ieng Thirith.> She was always complaining
25 about Son Sen's wife. When I met her I -- in fact, I talked to

1 the investigator. When the investigator interviewed me I
2 mentioned Khieu Samphan<. I did not give> the purchase order to
3 Khieu Samphan and Khieu Samphan went to see me <at the Ministry
4 of Social Affairs> in order to <get> the purchase order, but at
5 the time Khieu Samphan did not see me since I had already left to
6 do the <plantation> work.

7 [15.43.13]

8 And Ieng Thirith, at the time, got angry with Khieu Samphan
9 because she thought that Khieu Samphan should have <come> to see
10 her instead of seeing me. <I was so fearful, because my husband
11 had just been taken away. I did not know what consequences would
12 ensue due to her frustration.> And at the time, <as I knew from
13 the child, and my personal observation,> I did know <> Ieng
14 Thirith got angry with me because of the fact that Khieu Samphan
15 came to see me instead of going through her, since Ieng Thirith
16 was a person who had overall supervision at the Ministry of
17 Social Affairs.

18 Q. Fine, but since you were no longer there, who gave you that
19 information and when?

20 A. There was a <child standing guard at the entrance> telling me
21 that Khieu Samphan came to see me and <Aunt> Phea got angry.
22 <Ming Phea or Ieng Thirith> got angry because <> Khieu Samphan
23 came to see me instead of going through her. <In practice, she
24 was the responsible person in the ministry.> That person was the
25 one who stood guard at the entrance going into the compound of

1 the ministry.

2 [15.45.05]

3 Q. Fine. And when did you learn about this?

4 A. On the same day or the day after <>, it was not long after
5 that incident. Why I said that, because I had to prepare and
6 process all documents in order to go to buy the raw materials
7 abroad. <Those documents resulted from the meeting with other
8 young people as well as Khieu Samphan.>

9 Upon my arrival from the farm, I did not have any documents ready
10 to submit to <Ming> Phea <so she could forward to the upper
11 echelon. Therefore, Ming> Phea sent a person to ask me <whether
12 or not the documents were ready, but> I replied that I did not
13 have time to prepare the documents because I had to go to the
14 farm and work. <Since I was not happy, I did not do it.>

15 I was not successful in preparing the documents because it was
16 not within my <function>. I was, at the time, sent to work in the
17 farm. <Also, I was not happy, so I did not process it.>

18 I was told by that person that Ming got so angry, got so furious
19 with me, and <that person> told me that <Ming> Phea was not happy
20 because Khieu Samphan <or Hem> went directly to see me without
21 going through her.

22 <Since she got unhappy, I was so worried because> I did not know
23 <> why she got angry with Khieu Samphan. <In that time, several
24 of the upper echelon disappeared. I often heard people say that
25 there were a lot of enemies.> If she had really been so furious

1 with Khieu Samphan there would have been something happening to
2 me. She -- I mean Phea -- got furious and got angry with this
3 person and that person. Perhaps this was her nature.

4 <Coincidentally, Khieu Samphan came to find me, so she got very
5 furious.>

6 [15.47.53]

7 Q. Well regarding in fact Ieng Thirith, you said that you
8 received this <infamous> package <-- the latest information on
9 this package --> do you know where this meal, <intended> for her,
10 came from?

11 A. I do not know about that. There was a <young> person who was
12 there to receive and when I entered I was told that there were
13 two men in a car and delivering -- and delivered <> the bottle to
14 Ieng Thirith.

15 Q. Did you hear about another incident of this kind, in
16 particular during the visit of a Laotian delegation?

17 A. I did not catch your question well, Counsel.

18 Q. I was asking you if you heard about a similar kind of
19 incident, that is to say, an attempt to poison someone's <food>,
20 that took place <during> the Ministry of Social <Affairs'
21 activities and> during a visit <from> a Laotian delegation?

22 [15.49.40]

23 A. No, I never heard of it at the time.

24 Q. I'm telling you this because on the Case File and <for the
25 attention of the Chamber and the parties> -- <it is> document

1 E3/659, which is the transcription of an interview of Ieng
2 Thirith by Elizabeth Becker, in which Ieng Thirith speaks about a
3 visit by a Laotian delegation <when> they travelled to the east
4 of the country.

5 And at ERN French, 00743060; and at the following ERN, <also in
6 French>, so in order to follow in all three languages, because I
7 don't believe I have here the ERNs in English, <we would have to
8 search for them>. <But> it's a little bit before nine minutes in
9 this transcript, so it's between the ninth and the eleventh
10 minute.

11 So, my team has just given me the ERNs; Khmer <is> from ERN
12 00741135, onto the following page; and in English, 0018233 (sic),
13 also> onto the following page.

14 And in this interview, Ieng Thirith speaks about a trip to the
15 east of the country with a Laotian delegation. She doesn't
16 remember if it was in 1977 or 1978 and she says that:

17 [15.51.39]

18 "We visited Kampong Cham, the eastern area, and then Kampong
19 Thom, and then Siem Reap and then Angkor Wat, finally. And when
20 we travelled to the east back then, the east was under So Phim's
21 control and they tried to poison us and to poison the Laotian
22 delegation as well <-- Vietnamese agents. Do you see just how far
23 they pushed their fellow citizens?">

24 And then the journalist asks:

25 "How do you know that they tried to poison you?"

1 And Ieng Thirith answered:

2 "Yes, let me tell you. From the east we went to Kampong Thom to
3 go to Siem Reap and to Angkor Wat and when we arrived in Kampong
4 Thom -- we had left early that morning and they had prepared
5 packages of food for us, you see. The person in charge of the
6 east and the <wives> of the deputy chief and <committee members -
7 the main committee in the region --> were in charge of cooking
8 then<, of preparing food then. They> repeated to me, I don't
9 remember how many times, that So Phim had asked them to <be very
10 careful,> because people might try to poison us, etc., etc. This
11 is why they cooked on their own. And they repeated this to me, I
12 don't remember how many times, but this did surprise me."

13 [15.53.18]

14 And then she continues with her explanations, on the same page,
15 on how the people ate finally, speaking then on how <several>
16 people became sick. And she says a little bit after the twelfth
17 minute, she says that when she was informed that a great number
18 of her staff members who had eaten that food had become ill, she
19 took measures to <cleanse> their stomachs and <then> she gave
20 them medicine <to drink> in order to try to <counteract the
21 poison>.

22 So since Ieng Thirith is speaking about many, many people, she's
23 speaking about 30 people, in fact, who apparently were poisoned.
24 So when you were working at the Ministry of Social Affairs, did
25 you ever hear at one point or in time about a <large group

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1 escorting a> delegation that apparently became ill <at the same
2 time?> Without even necessarily knowing <in exactly what
3 conditions this occurred>? Did you hear about the several people
4 who became ill then?

5 <A. No, I did not hear about that.>

6 [15.54.43]

7 MR. PRESIDENT:

8 Madam Witness, please hold on. You may now proceed,
9 <International> Deputy Co-Prosecutor.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you, Mr. President. I believe that there is some confusion
12 <on behalf of the Defence> and I don't think that the witness
13 will be able to answer this question because Ieng Thirith had
14 several functions. She was Minister of Social Affairs but she was
15 also the President of the Women's Association and maybe even
16 President of the Red Cross, so it's <within her role> as
17 President of the Women's Association, that she received a
18 delegation of Laotian <women> as well as <a delegation of>
19 Vietnamese women.

20 So I think we're quite far removed from the subject here and, in
21 particular, from anything dealing with the Ministry of Social
22 Affairs.

23 [15.55.31]

24 MS. GUISSÉ:

25 Well, if the Co-Prosecutor had allowed the witness to answer and

1 if she had said that she didn't know, well, we would have an
2 answer to that question. <We do not need the Co-Prosecutor to
3 testify. So I stand by my question.>

4 So let me continue.

5 BY MS. GUISSÉ:

6 Q. Witness, were you informed of such an incident and, if so, who
7 informed you of this? If not, I will not insist further.

8 MS. THUCH SITHAN:

9 A. Can I answer now, Mr. President?

10 MR. PRESIDENT:

11 Yes, you can.

12 [15.56.15]

13 MS. THUCH SITHAN:

14 I do not know about that. I was not aware of the poison attempt
15 and I was not aware of the <place> of her visit either. I did not
16 know what happened on the day.

17 MR. PRESIDENT:

18 Do you still have a lot of questions, Anta Guisse, so that I
19 could have some preparation for the Chamber?

20 MS. GUISSÉ:

21 Mr. President, I wanted to tell you that I was done with my
22 questions, so I think you'll be happy to hear that.

23 [15.57.24]

24 MR. PRESIDENT:

25 The Chamber is grateful to you, Madam Thuch Sithan. The hearing

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1 of your testimony has now come to an end and your testimony will
2 contribute to the ascertainment of the truth. You may now be
3 excused. I wish you good luck as well as prosperity.
4 And my appreciation goes, also, to the technicians who assisted
5 in arranging the video-link since the beginning until the end.
6 You may also be excused. You can now relax. Goodbye.
7 It is now time for the adjournment. The Chamber will resume its
8 hearing on Monday 28 November 2016 at 9 a.m. And on Monday 28
9 November 2016, the Chamber will hear 2-TCW-871 and there is a
10 reserve witness, <2-TCW-953>, in relation to Role of the Accused.
11 And a full schedule for next week and the following weeks will be
12 informed via email by the Senior Legal Officer as soon as
13 possible. Please be informed and please be on time.
14 Security personnel are instructed to bring the accused, Nuon Chea
15 and Khieu Samphan, back to the ECCC detention facility and have
16 them returned into the courtroom on 28 November 2016, before 9
17 a.m.
18 The Court is now adjourned.
19 (Court adjourns at 1559H)
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