



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

ឯកសារដើម

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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 March 2015

Trial Day 254

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

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List of Speakers:

Language used unless specified otherwise in the transcript

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

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Trial Chamber will hear a witness testimony -- that
6 is, witness 2-TCW-803. This witness was originally scheduled to
7 start testifying last Thursday, but the Nuon Chea defence
8 requested to defer his testimony to an unspecified time in the
9 future because of the ongoing disclosure of material from Cases
10 003 and 004.

11 The Trial Chamber heard oral submissions from the Parties on this
12 matter at the end of the trial session last Wednesday and during
13 a Trial Management Meeting last Thursday afternoon. The Chamber
14 considered the parties' submissions, but has rejected the request
15 to defer 2-TCW-803's testimony. The Parties were informed of this
16 decision by email on Friday afternoon <last week>, and I now
17 briefly summarize our reasons.

18 [09.04.42]

19 The Nuon Chea defence requested to defer 2-TCW-803 to an
20 unspecified time, but disclosures from Cases 003 and 004 are
21 expected to continue. It is not clear when those investigations
22 will finish. Neither the Parties nor the Trial Chamber have been
23 able to precisely identify a better time for this witness to be
24 heard.

25 2-TCW-803 lives a considerable distance from Phnom Penh, and is

2

1 elderly. WESU has informed the Trial Chamber that long travel
2 causes him stress. The application to delay 2-TCW-803's testimony
3 was made at a late stage -- that is, when 2-TCW-803 had already
4 been brought to Phnom Penh. In these circumstances, the Trial
5 Chamber decides that it is better to proceed with his testimony
6 now, rather than delay it indefinitely. In any event, should any
7 late or future disclosures <of new documents> demand the recall
8 of <this> witness, it is open to the Parties to make an
9 appropriate application.

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

12 [09.06.35]

13 THE GREFFIER:

14 Mr. President, for today's proceedings, all Parties to this case
15 are present.

16 As for Nuon Chea, he is present in the holding cell downstairs,
17 as he requests to waive his right to be present in the courtroom.
18 His waiver has been delivered to the greffier.

19 The witness who is to testify today -- that is, 2-TCW-803,
20 confirms that to his best knowledge, he has no relationship by
21 blood or by law to any of the two Accused: Nuon Chea or Khieu
22 Samphan, nor to any of the civil parties admitted in this case.
23 This witness took an oath before the iron-clad Statue on 4 March
24 2015. He has his duty counsel, Mr. Moeurn Sovann. Both of them
25 are ready to be called by the Chamber.

1 Thank you, Mr. President.

2 [09.07.44]

3 MR. PRESIDENT:

4 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the
5 request by Nuon Chea.

6 The Chamber has received a waiver from Nuon Chea, dated 9 March
7 2015. He confirms that, due to his poor health condition -- that
8 is, headache, back pain, and that he cannot sit for long, and in
9 order to effectively participate in the future hearings, he
10 requests to waive his right to participate in and be present at
11 the 9 March 2015 hearing.

12 He has been informed by his counsel about the consequences of
13 this waiver, that in no way it can be construed as a waiver of
14 his rights to be tried fairly, or to challenge evidence presented
15 or admitted to this Court at any time during this trial.

16 [09.08.44]

17 Having seen the medical report by the duty doctor for the Accused
18 Nuon Chea, at ECCC, dated 9 March 2015, who notes that the health
19 condition of Nuon Chea is that he has headache, chronic back
20 pain, and he cannot sit for long, and recommends that the Chamber
21 shall grant him his request, so that he can follow the
22 proceedings remotely from a holding cell downstairs.

23 Based on the above information, and pursuant to Rule 81.5 of the
24 ECCC Internal Rules, the Chamber grants Nuon Chea's request to
25 follow the proceedings remotely from a holding cell downstairs,

4

1 via an audio-visual means for today's proceedings, as he waives
2 his direct presence in the courtroom.

3 The AV unit is instructed to link the proceedings to the room
4 downstairs, so that Nuon Chea can participate in and follow
5 today's proceedings remotely.

6 Court officer, could you usher the witness and the duty counsel
7 into the courtroom?

8 [09.10.10]

9 <Please proceed, Counsel Koppe.>

10 < MR. KOPPE:>

11 <Good morning, Mr. President. I have technical issues. There's
12 something wrong with the ear, with the sound system. You have the
13 same? There's a strange buzz going on.>

14 <>

15 JUDGE FENZ:

16 Try again.

17 MR. KOPPE:

18 There's a buzz in the whole system. Everybody has it here.

19 There's a -- in the --

20 (Witness enters the courtroom)

21 JUDGE FENZ:

22 Is there a problem?

23 (Recording malfunction)

24 MR. KOUMJIAN:

25 We have -- we're not hearing - experiencing that. It's fine for

1 us.

2 [09.11.22]

3 MR. PRESIDENT:

4 Court officer, could you assist the Defence side, maybe to change
5 his headset?

6 MR. KOPPE:

7 They all have it. No, they all have it. They all have it.

8 Everybody. Everybody has the same thing.

9 MR. PRESIDENT:

10 Court officer, could you inquire from the AV Unit if there is any
11 technical issue?

12 (Short pause)

13 [09.14.00]

14 MR. PRESIDENT:

15 The Defence side, can you try again? If you still experience any
16 problems?

17 MR. KOPPE:

18 It's the same with everybody here.

19 JUDGE FENZ:

20 May I ask a question? This might help the technical people. I
21 have a broken screen. If I turn the screen on, I have the same
22 interference. If I turn it off, it's gone. I've been told my
23 screen is broken.

24 MR. KOPPE:

25 Oh, yes. We don't see anything either. Oh, there it is.

1 [09.1432]
2 JUDGE FENZ:
3 It's really, it's really bad.
4 MR. KOPPE:
5 No, it's a -- it's a crispy -- yes. Oh, now it's working.
6 JUDGE FENZ:
7 Like a -- Okay.
8 MR. PRESIDENT:
9 Judge Lavergne, you have the floor.
10 JUDGE LAVERGNE:
11 Yes, regarding the French channel, I don't think there's any
12 problem at our level. <I would like to have some confirmation on
13 that. We cannot hear any interference.>
14 JUDGE FENZ:
15 Is it solved now or not?
16 MR. KOPPE:
17 We can continue. It's not -- if it's going all day, then we get
18 crazy, but --
19 [09.15.52]
20 QUESTIONING BY THE PRESIDENT:
21 Q. Good morning, Mr. Witness. What is your name?
22 MR. NEANG OUCH:
23 A. My name is Neang Ouch alias San.
24 Q. Thank you, Mr. Neang Ouch. And when were you born?
25 A. I cannot recall the date of birth, but currently I am 72 years

1 old.

2 Q. Can you tell the Chamber where you were born?

3 A. I was born in Kandal province.

4 Q. Can you tell the details of the village, commune and district
5 of Kandal province that you were born?

6 A. I was born in Khpob village, Sampov Lun commune, Kaoh Thum
7 district.

8 [09.17.10]

9 Q. And where is your current address?

10 A. I live in Battambang province, and in Pailin province as well.

11 Q. Amongst the two provinces, where is your permanent address?

12 And please, give out the details of the village, commune and
13 district that you live in.

14 A. My permanent address is in Samlout district, Battambang
15 province. I also have a house, where my children reside in Pailin
16 province.

17 Q. What is your current occupation?

18 A. I work in the farm and I also <plant durian trees>.

19 Q. What is your father's name and your mother's name?

20 A. My father is Neang Nouch, deceased; and my mother is Chey Sen.
21 She is also deceased.

22 [09.18.41]

23 Q. What is your wife's name, and how many children do you have
24 together?

25 A. My wife's name is Ung Koeun, and we have five children.

1 Q. Thank you, Mr. Neang Ouch. The greffier made an oral report
2 that to your best knowledge, none of your father, mother,
3 ascendants, children or descendants, brothers, sisters, in-laws
4 or wife is admitted as a civil party in Case 002. Is this
5 information correct?

6 A. That is correct. I am not related to any people in Case 002.

7 Q. The greffier also reported that you already took an oath
8 before you entered the courtroom. Is that correct?

9 A. Yes, that is correct.

10 [09.20.05]

11 Q. The Chamber would like to inform you now of your rights and
12 obligations as a witness. And Mr. Neang Ouch, as a witness in the
13 proceedings before the Chamber, you may refuse to respond to any
14 question or to make any comment which may incriminate you. That
15 is your right against self-incrimination. This means that you may
16 refuse to provide your response or make any comment that could
17 lead you to being prosecuted.

18 Now, on your obligations: Mr. Neang Ouch, as a witness in the
19 proceedings before the Chamber, you must respond to any questions
20 by the Bench or relevant parties, except where your response or
21 comments to those questions may incriminate you, as the Chamber
22 has just informed you of your right as a witness. Also as a
23 witness, you must tell the truth that you have known, heard,
24 seen, remembered, experienced or observed directly in relation to
25 any event or occurrence relevant to the questions that the Bench

1 or the Parties pose to you.

2 [09.21.47]

3 And Mr. Neang Ouch, have you been interviewed by Investigators of
4 the Office of the Co-Investigating Judges over the last few
5 years? If so, how many times and where?

6 A. I was invited by the Court to be interviewed on its premises
7 once, and that happened in <1914 (sic)>, and it lasted for two
8 days. That was 28 and 29 January 2014.

9 Q. And before that, had you been interviewed by the
10 Investigators?

11 A. No.

12 Q. Before you appear before the Chamber, have you reviewed your
13 written record of a statement that you provided to the
14 Investigators of the Office of the Co-Investigating Judges in
15 order to refresh your memory?

16 A. I have read roughly the written records of my interview --
17 that is, the two interviews. However, I cannot recall every
18 detail because, as you know, I am 72 years old.

19 [09.23.36]

20 Q. And to your best knowledge, are the written records of your
21 interviews that you have read consistent with the statements that
22 you provided to the Investigators?

23 A. Some statements made by others, and which were used as a
24 reference for my interview, are not correct.

25 Q. Thank you, Mr. Neang Ouch. And Mr. Neang Ouch, you have been

10

1 assisted by a duty counsel, per your request, through WESU, and
2 that is the counsel Moeurn Sovann. Have you made any discussions
3 yet with your duty counsel, Moeurn Sovann?

4 A. Yes, we met and we had some discussions.

5 [09.24.58]

6 MR. PRESIDENT:

7 Thank you.

8 During the hearing of the testimony of this witness, pursuant to
9 Rule 91-bis <of the ECCC Internal Rules>, the Chamber will hand
10 the floor to the Co-Prosecutors first, to put questions to this
11 witness<, Neang Ouch>. And the prosecutor and the Lead Co-Lawyers
12 for civil parties, your combined time is one full day plus an
13 additional one session tomorrow. You have the floor.

14 QUESTIONING BY MS. SONG CHORVOIN:

15 Thank you, Mr. President. Good morning, Mr. President, Your
16 Honours, and everyone in and around the courtroom. Good morning,
17 Mr. Witness. My name is Chorvoin. I am the National Deputy
18 Co-Prosecutor, and I have some questions for you. After I
19 conclude, then my international colleague will put some questions
20 to you.

21 [09.25.55]

22 Q. To start with, I have a few questions in relation to events
23 that happened prior to 1975.

24 Can you tell the Court where you lived before 1975, and what was
25 your position?

11

1 MR. NEANG OUCH:

2 A. <Before 1975,> in 1971<,> the Takeo Sector Committee
3 transferred me to Kaoh Andaet district to be an assistant to Ta
4 <Phen>, who was the Takeo <Sector Committee>, and who was based
5 in Kaoh Andaet district.

6 Q. Thank you. Did you hold any position in Tram Kak district
7 prior to 1975?

8 A. Before 1975 in Tram Kak district -- and I refer to the period
9 after the coup d'état to topple Prince Sihanouk -- the Democratic
10 Kampuchea side assigned me as a member of the Front or "ro nak
11 se" in Khmer, that is a member of the Front of Tram Kak district.
12 A few months later, I was sent to meet with Ta Sy at Pis
13 Mountain. Subsequently, Ta Sy assigned me as chief of the
14 provincial education for Takeo, Kampot and Kampong Speu
15 provinces. And after I returned from Pis Mountain, I contracted
16 <a fever> and it lasted for six months.

17 [9.28.27]

18 Q. You said you were appointed as Ta Sy to be in charge of
19 education for three provinces; namely, Kampot, Takeo and Kampong
20 Speu. And actually, can you tell the Chamber who assigned you to
21 that position, and what was the rank of the position of the
22 person who assigned you?

23 A. It is my understanding that Ta Sy was <probably> in the
24 Southwest Zone <Committee> with Ta Mok.

25 Q. Was it Ta Mok or was it Ta Sy who appointed you?

12

1 A. The handwritten letter was signed by Ta Sy.

2 [09.29.36]

3 Q. Before Ta Sy issued that handwritten letter to you, did you
4 meet Ta Mok prior, and did he talk about the appointment?

5 A. When I met Ta Sy in Pis mountain, I did not meet with Ta Mok.

6 Q. And before you were appointed in that position -- that is, in
7 charge of education, did you receive any training in that field?

8 A. No. There was no training session.

9 Q. After the appointment made by Ta Sy, by that handwritten
10 letter, can you tell the Chamber the details about the letter,
11 and what were your duties?

12 A. It was a brief letter that I was assigned to be in charge of
13 education -- that is, to teach literacy to children in the three
14 provinces. And there was no other comments or points in that
15 short letter.

16 Q. You refer to Ta Sy several times this morning. Did you know
17 his full name?

18 A. No, I did not. I only knew him by Sy.

19 [09.31.43]

20 Q. Did you know Chou Chet?

21 A. No. I never heard of this name.

22 Q. Thank you.

23 In relation to your background, you said earlier before the
24 Chamber that your alias was San. Did you go by another name
25 besides San?

13

1 A. No, I did not have any other names besides San.

2 Q. You held a position in education. Had you ever been referred
3 to as "Teacher San"?

4 A. I was not addressed by the name "Teacher San".

5 Q. Thank you. I would like to refer to a document. This document
6 -- there was a witness giving testimony before the
7 Co-Investigating Judges. Document E3/400. The witness in that
8 document held a position of the Secretary of Sector 105. This
9 document, E3/400, ERN in Khmer is 00373455 to 56; ERN in English
10 is 00379168; French, ERN is 00426175.

11 Mr. President, I would like to seek your leave to provide the
12 document, E3/400, to the witness.

13 [09.34.24]

14 MR. PRESIDENT:

15 You may proceed.

16 BY MS. SONG CHORVOIN:

17 Q. Could you find the page? As I mentioned -- that is, <Khmer>
18 ERN 55 at the end to 56<, > from 55 to 56. I would like to quote.
19 "After that, <in 1959,> I became a teacher in primary school and
20 I then became the teacher in Chhuk, Kampot province for <> six
21 year<s>. After that<,> I <then> went back to Takeo province to
22 teach in a school there." And below that<, about two lines> -- I
23 quote, <"In the Front,> I knew Krou San and Oeun. They are
24 alive<."> And this witness mentioned also that, <">Teacher San
25 was transferred to receive a training and to study document<s>,

14

1 which were provided by Angkar in the Liberated Zone.<">

2 Mr. Witness, could you find the page where I quoted?

3 MR. NEANG OUCH:

4 A. I could find it.

5 [09.36.38]

6 Q. My question is: This witness mentioned that Teacher San was
7 sent to study documents which were provided by Angkar in the
8 Liberated Zone. I understand that this statement reflects what
9 you just said earlier that you were in charge of education in
10 three provinces: Takeo, Kampong Speu, and Kampot. So I would like
11 to know: Did you receive this document when you were sent to
12 study at the Liberated Zone? And who gave the document to you?

13 A. I went to Pis Mountain and met Ta Sy and I did not receive any
14 training there. After that, I returned to my place. And after
15 that time, there was a letter written by Ta Sy to introduce me,
16 so I did not <> receive any training < or any study document>. In
17 the letter written by Ta Sy, I was assigned to be in charge of
18 education in three provinces: Kampong Speu, Takeo and Kampot.
19 After my return, I had <a fever> and I could not be in the task
20 which I was assigned.

21 Q. Did you know the name Teacher Oeun -- Krou Oeun?

22 A. I did not know Krou Oeun.

23 [09.38.50]

24 Q. Thank you very much. I would like to discuss another topic --
25 that is, the period from 1975 to 1979. From 17 April 1975, where

15

1 did you live?

2 A. I could not hear you clearly. After 17 April 1975, I lived in
3 Kaoh Andaet district. Then in June 1977, I was transferred to
4 live in Leay Bour district -- Leay Bour commune, Tram Kak
5 district, Takeo province.

6 Q. Thank you very much, Mr. Witness. In the written record you
7 provided your answers to the Investigator of the OCIJ -- that is,
8 document E319.1.15, answer 17, you mention about the
9 organisational structure of Kaoh Andaet district. In answer 17, I
10 quote: "Sieng, (male), was the Kaoh Andaet District Secretary. Ta
11 Chan, (deceased), was the Deputy District Chairman, but I did not
12 know what his responsibilities were. They only had me assist them
13 at that time. I am not sure whether Ta Sieng is alive or dead."
14 You mentioned that you were asked to provide help to <them>, so
15 who <were they>?

16 A. <They were>Ta Sieng and Ta Chan <who> asked me to help <with>
17 the task in worksite in digging canal<, transplanting rice> and
18 build dams.

19 [09.41.15]

20 Q. Were you appointed officially at that time?

21 A. There was no official appointment at that time.

22 Q. You -- is that correct, Ta Sieng and Ta Chan called you and
23 assigned the task to you directly without any official
24 appointment?

25 A. They invited me to meet them and I was told that "You Comrade,

16

1 you had to go to do dry season farming at Angkor Borei<, Angkor
2 Borei Lake, Kampong Youl, Prey Mreah (phonetic), Prey Phdau, and
3 so on.>" I was told like what I said.

4 Q. Who did you report to about your tasks which you performed?

5 A. I reported to Ta Sieng and Ta Chan.

6 Q. Thank you very much. I would like to quote document E3/4628;
7 ERN in Khmer 00373386; Khmer (sic), ERN 00379303; ERN in French
8 00426193.

9 [09.43.24]

10 MS. SONG CHORVOIN:

11 Mr. President, I would like to seek your permission to give this
12 document to the witness.

13 MR. PRESIDENT:

14 You may proceed.

15 BY MS. SONG CHORVOIN:

16 Q. It is the same document that I quoted earlier. This person was
17 the Secretary of Sector 105 -- was the Secretary of District 105.

18 <Here, he responded to the investigators that, and I quote,

19 "Yesterday> you mentioned about San, the member of the committee
20 in the district, <105, what did he do afterward?">

21 <Answer, ">San left the 105 district committee and he <became the
22 Secretary of District 108> in Kaoh Andaet <maybe> in 1975.<"> The
23 witness, as I mentioned, said that you were the committee member
24 of <District> 105 and after that, you were transferred to <Kaoh
25 Andaet> District <Committee, it was District> 108; is that

17

1 correct?

2 [09.45.14]

3 MR. NEANG OUCH:

4 A. It is not correct. I refuse that statement. <When I was at
5 District 105,> I was not part of the District Committee of 105,
6 and when I was transferred to District 108, I was also not part
7 of District 108.

8 Q. Thank you very much. I would like to proceed to another topic
9 -- that is, the period from 1975 to 1979. You mentioned about
10 your roles in Leay Bour commune. Could you clarify for the
11 Chamber when were you transferred to Leay Bour commune and what
12 was your roles and position at that time?

13 A. Ta Mok removed me and put me work in Leay Bour commune in June
14 1977. I was told by Ta Mok that I needed to <help with> the tasks
15 in the district, particularly in the work<sites, for instance,>
16 building dam and the canals<, and transplanting rice.>

17 [09.46.44]

18 Q. When you were removed by Ta Mok to work in Leay Bour commune
19 in 1977, what was your position?

20 A. In Leay Bour commune, I did not hold any position. There was a
21 cooperative in Leay Bour commune, so I stayed -- you know -- in
22 an area opposite to the cooperative.

23 Q. What was the name of the cooperative and where was it exactly?

24 A. The cooperative was close to the National Road between Angk Ta
25 Saom and Takeo province. <It was to the north of the National

18

1 Road.> So the cooperative was six kilometres away from Takeo
2 town. I did not recall the names of the village. And now when you
3 go there, you will see a factory.

4 [09.48.04]

5 Q. Thank you very much. In the statement you gave to the
6 Investigator of OCIJ, document E319.1.14, in answer 51, the
7 Investigator asked you that <, "Since> you knew Yeay Boeun<, had>
8 Yeay Boeun <ever been> appointed as <a member of> the District
9 Committee <or> Tram Kak <District Chairperson>?<"> Your answer is
10 that, "I did not know because I work<ed> in Leay Bour. <At that
11 time,> Ta Ran was the chief of Sector 13 and I was asked by him
12 to receive foreigners -- foreign guests. I met the foreign guests
13 <from Ministry of Foreign Affairs,> and they were welcomed by the
14 cadres there to visit the country<, Cambodia>. <I met foreign
15 guests twice. First,> I met <> Swedish journalist<s> and
16 <second,> I met the chief of -- I met the chairman of Ta Chay big
17 production unit. His name was Chhing Ying Kuoy<. He was from
18 China>".

19 [09.49.34]

20 Below that answer, answer 53, the question above that answer is -
21 quote:

22 "What did you do where -- when the foreign guest arrived at your
23 place?"

24 In your answer, 53, you said: "When foreign guests arrived, they
25 went to talk to people in Leay Bour Cooperative, near my house.

19

1 Cars from Phnom Penh brought the foreign guests to my place, and
2 I went to meet them. Then I took them to show them model homes
3 and model rice fields that were built for single families."
4 I have a question in relation to the visits of foreign guests.
5 The foreign guests came to Leay Bour commune as mentioned by you.
6 At that time, who appointed you to receive those foreign guests?
7 A. I was not appointed officially. Ta Ran called me and told me
8 that tomorrow there would be foreign guests coming to our place.
9 So I was asked to welcome and receive those foreign guests.

10 [09.51.23]

11 Q. What was the full name of Ta Ran? And what was his position?

12 A. I did not know his full name. He was in Takeo sector in the
13 same zone of Ta Bit.

14 Q. What was his position in the zone as you mentioned?

15 A. I did not know. I did not know the position that Ta Ran held
16 in the zone.

17 Q. <When you gave the statement to the Investigators, >you
18 mention<ed> that Ta Ran was Sector <13> Chairman; what did you
19 mean by this?

20 A. The statement which I gave to the Investigator of the OCIJ, I
21 could not find the answer where you just mentioned.

22 Q. Please refer to answer 51. You can read answer 51.

23 MS. SONG CHORVOIN:

24 Mr. President, I would like to seek your leave to provide
25 document E319.1.14 to the witness.

1 [09.53.32]

2 MR. PRESIDENT:

3 You may proceed.

4 BY MS. SONG CHORVOIN:

5 Can you find answer 51, Mr. Witness?

6 MR. NEANG OUCH:

7 A. Yes, I found it.

8 Q. What did you mean by stating that Ta Ran was Sector 13

9 Chairman? I would like to know what was Ta Ran's position at that
10 time.

11 A. Ta Ran was actually Sector 13 Chairman <at that time>.

12 Q. Thank you very much. Who was the superior of Ta Ran?

13 A. Sam Bit was Ta Ran's superior. He was in the zone.

14 [09.55.33]

15 Q. Thank you, Mr. Witness. You said that Ta Ran was Sector 13

16 Chairman and he told you to receive foreign guests. Before the

17 arrival of foreign guests, were there any arrangements in your

18 teams concerning how to receive foreign guests?

19 A. Actually, there was no prior arrangement. <When the visitors

20 arrived, we worked as usual.>

21 Q. So how could you know the arrival time of the foreign guests?

22 A. I was told by Ta Ran before that.

23 Q. Could you clarify what did Ta Ran tell you at the time in

24 relation to foreign guests? What did he talk to you?

25 A. I did not recall in detail. I was just told that foreign

21

1 guests would arrive and there would -- they would be accompanied
2 by <> journalist<s> as well. That's what I recall.

3 [09.57.28]

4 Q. Were you told by Ta Ran how many foreign guests arrived in
5 your place and where? And did you -- were you told also where did
6 they receive?

7 A. I was not told how many foreign guests would come to the
8 cooperative<, or where they would be accompanied to>. So the
9 foreign guest came to visit cooperatives in Leay Bour commune and
10 <they> also went to visit the <children> school <> as well. There
11 was one school <to the south of the road. It was opposite to the
12 cooperative.> <They were Swedish.>

13 Q. <If Ta Ran did not tell you that, were you the one who
14 supervised> and <accompany the visitors? Or> were you told
15 exactly <by your superior> where you had to send <> the foreign
16 guests to, where they had to visit, and what they should do?>

17 A. <It was not me who arranged the plan>. <For example,> when
18 Swedish <visitors> arrived, <they> visit<ed> the cooperative <>
19 and <they then> <went to see the children studying> <at>
20 school<>. <As for> the Chinese guests<, they visited> the
21 <cooperative when they arrived>, <and they then left.> After
22 that, <they> were <accompanied> by the <> people <from the
23 Ministry of Foreign Affairs. I did not accompany them>.

24 [09.59.26]

25 Q. <You said that you did not arrange the plan. Then who arranged

22

1 the plan or assigned the task to> <> welcome and receive the
2 foreign guests <, and to accompany them from one place to
3 another>?

4 A. Actually, there were people from the Ministry of Foreign
5 Affairs who <brought> the <> guests <there>.

6 Q. So, who were <> from the Ministry of Foreign Affairs?

7 A. I did not recall; I did not know their names.

8 Q. Besides the Chinese guests, were there any Khmer Rouge leaders
9 coming with the foreign guests?

10 A. Actually, there were <only these> people <who brought the
11 visitors there>.

12 Q. And how many of them and can you recall their names?

13 A. As to the number, I cannot recall, nor the names of those
14 individuals.

15 Q. When the visitors arrived, did you make a presentation to
16 introduce what's going on in <> your cooperative?

17 A. No, I did not. It was the chief of Leay Bour Cooperative who
18 made that presentation.

19 [10.01.53]

20 Q. What about the foreign visitors, did they make any
21 presentation or did they make any speech?

22 A. As for the journalist, no, he did not. And only Ta Chay's big
23 production unit chief made a <short> welcoming speech, <"Pleased
24 with the fact that> Cambodia <> had been liberated and that the
25 wide rice fields are ready to be transplanted.<"> <That was

1 short.>

2 Q. When the visitors praised what happened in Leay Bour commune,
3 can you recall the exact year of that event?

4 A. I cannot recall it clearly. However - rather, I cannot say for
5 sure.

6 Q. Did it happen immediately after your arrival in Leay Bour
7 commune <where you were sent there after being removed by Ta
8 Mok?> or had you been there for quite some time before it
9 happened <- before the Chinese visitors arrived>?

10 A. No, not immediately after I was sent there. In fact, I had
11 been there for quite some time before the <Chinese arrived>.

12 [10.04.06]

13 Q. I'm still not sure about your position. If you did not hold
14 any position while you were assigned or designated by Ta Ran to
15 receive those visitors. Why were you assigned that specific task
16 by Ta Ran for the organising the place and Leay Bour commune to
17 welcome those visitors?

18 A. It is my understanding that he thought that I was a former
19 teacher. So I knew a little bit about receiving visitors or
20 guests.

21 MS. SONG CHORVOIN:

22 Thank you, Mr. Witness. I do not have any further question for
23 you and I'd like to cede the floor to my international colleague.

24 Thank you, Mr. President.

25 MR. PRESIDENT:

1 Thank you. And the International Co-Prosecutor, you have the
2 floor.

3 [10.05.23]

4 QUESTIONING BY MR. KOUMJIAN:

5 Q. Good morning, sir. Since you knew that Ta Ran was Sector 13
6 Chairman, why did you answer my colleague's questions a moment
7 ago and say you didn't know his position?

8 MR. NEANG OUCH:

9 A. I already stated in my written record of interview with OCIJ
10 Investigator that he was Chairman of Sector 13.

11 Q. Correct. But then you -- when my colleague asked you what his
12 position was, you said at first you didn't know. Are you afraid
13 of talking about your role during the Khmer Rouge regime?

14 A. As for my own position, no, I'm not afraid of that because I
15 was directed to lend them my hands, to assist them in working in
16 rice fields, or building the dams, engaged in the plantation.

17 [10.06.49]

18 Q. I got no translation. I don't know if anyone else did. It's
19 very unfortunate but I didn't get answer -- just one moment. I
20 apologise but I didn't hear what you said. Could you please
21 repeat your answer?

22 A. I am not afraid to tell you about my position at the time. I
23 was instructed to assist in the worksite building the dams or
24 dykes et cetera.

25 Q. Are you proud of your role during the Khmer Rouge regime?

1 MR. KOPPE:

2 I object, Mr. President. Mr. President, I object to this
3 question. There is no relevance to the effect that he was proud
4 or not proud. This witness is here to testify about what he saw,
5 what he experienced. Pride is not an issue here.

6 MR. KOUMJIAN:

7 Your Honour, credibility is an issue with every witness.

8 (Judges deliberate)

9 [10.09.38]

10 MR. PRESIDENT:

11 The Chamber rejects the objection raised by Nuon Chea's defence
12 to the question posed by the Co-Prosecutor. Of course, this
13 question lends itself to the issue of credibility of the witness.
14 And Mr. Witness, please respond to the last question.

15 And also the International Co-Prosecutor, you're reminded that
16 your question should be related to the facts <as much as
17 possible>. You may proceed.

18 [10.10.20]

19 BY MR. KOUMJIAN:

20 Sir, do you want to answer that question or would you like me to
21 ask another one?

22 MR. NEANG OUCH:

23 A. Please repeat your question.

24 Q. Are you proud of what you did during the Khmer Rouge regime?

25 A. During the period of Democratic Kampuchea regime, I tried my

26

1 best to work in -- at the worksite, in building dams, and I was
2 just one of those youths working in the worksite.

3 Q. So, let me go back and talk about your life before the Khmer
4 Rouge regime; in fact, before the Lon Nol coup. At that time you
5 told us you were a teacher; is that correct?

6 A. I was a teacher for four years -- that is, from 1966 to 1970.
7 [10.11.43]

8 Q. You taught Physics and Chemistry; am I correct?

9 A. Yes, I taught Physics and Chemistry at Keo Din (phonetic)
10 College <about 10 kilometres> to the north of Takeo provincial
11 town.

12 Q. Now very soon after the Lon Nol coup, and that was an area
13 that fell under the control of the Khmer Rouge; is that correct?

14 A. Yes, that is correct.

15 Q. So did you join the Party, the Communist Party of Kampuchea?

16 A. At that time, I could not go anywhere because we were under
17 the control of the force<s> of the Democratic Kampuchea, and I
18 was at the house of my <wife's> family<>.

19 [10.13.07]

20 MR. PRESIDENT:

21 Thank you, Mr. International Co-Prosecutor. It is now convenient
22 to take a short break. We take a break now and return at 10.30.

23 And Court officer, please assist the witness during the break and
24 invite him, as well as his duty counsel back into the courtroom
25 at 10.30.

1 The Court is now in recess.

2 (Court recesses from 1013H to 1032H)

3 MR. PRESIDENT:

4 Please be seated. The Court is in session and I now hand over the
5 floor to the International Co-Prosecutor to put more questions to
6 this witness. You may proceed.

7 BY MR. KOUMJIAN:

8 Sir, I heard your last response, but it didn't answer my
9 question. So please try to listen to my questions. If you don't
10 understand them then let me know. But just answer the questions
11 so that we can proceed more quickly and finish your testimony.

12 Q. My question was about when you joined the Communist Party of
13 Kampuchea. Can you tell us about that?

14 MR. NEANG OUCH:

15 A. I stated already that after the coup d'état in 1970<,> I could
16 not move anywhere and I went to live in the hometown of my wife.
17 After that, Democratic Kampuchea asked me to be <a member> of the
18 Front in Tram Kak district. The Front was different from the
19 District Committee. Members of the Front role was to mobilise
20 people to <believe in the political line> of the Democratic
21 Kampuchea<. That's all.>

22 [10.34.17]

23 Q. What's your relationship with Ta Mok?

24 A. At that time I had no contact with Ta Mok<. If we talked about
25 the relationship,> I was the brother-in-law of Ta Mok<>.

1 Q. Thank you. So you were married to Ta Mok's younger sister,
2 correct? Now when you joined the Front, were you asked to join --

3 MR. PRESIDENT:

4 The witness has not responded to your last question, Mr.
5 International Co-Prosecutor. The question is: Did you get married
6 with Ta Mok's younger sister?

7 Mr. Witness, please respond to that question.

8 MR. NEANG OUCH:

9 A. I got married with Ta Mok's younger sister in 1966, and at
10 that time I did not know Ta Mok. I never saw him physically, and
11 in my marriage ceremony he was not in attendance.

12 [10.36.35]

13 MR. KOUMJIAN:

14 Q. Sir, I'm not asking you about your marriage in 1966. I'm
15 asking you about the period after the Lon Nol coup, after 1970.
16 Did you join the Party? Being Ta Mok's brother-in-law, being in
17 the Zone as you have explained, controlled by the Khmer Rouge,
18 did you join the Party?

19 MR. NEANG OUCH:

20 A. I already stated clearly that Democratic Kampuchea assigned me
21 to be member of the Front. I was not admitted into the Party. I
22 was <a member> of the Front in 1970 after the coup d'état. And
23 after that period, I was removed by Ta Sy to Pis Mountain < --
24 from Tram Kak to Pis Mountain>. <After> I returned from Pis
25 Mountain <for one month>, I <was sick>. And I received a written

1 letter signed by Sy to assign me and designate other tasks, as I
2 <already> stated.

3 Q. Sir, very quickly, Ta Sy that you've mentioned, he was the
4 Deputy of Ta Mok, who later became the Chairman of the West Zone;
5 isn't that correct? That Ta Sy later became the Chairman of the
6 West Zone?

7 A. I did not know about this. I was at Takeo province and I
8 didn't know about this.

9 [10.38.33]

10 Q. Was Ta Sy the deputy of Ta Mok at that time?

11 A. What did you mean by "at that time"? What was the period
12 exactly in your question? After I received the written letter
13 from Ta Sy? <Was it> the time <that> I received the written
14 letter from Ta Sy <to assign me to teach children in the three
15 provinces?> <At that time>, I did not know his official position,
16 but <I knew that> he was in the Southwest Zone.

17 Q. Was Ta Sy, to your knowledge, ever the Deputy of Ta Mok? Yes
18 or no, Mr. Witness.

19 MR. PRESIDENT:

20 Please hold on, Mr. Witness. You may proceed, Counsel for Mr.
21 Nuon Chea.

22 MR. KOPPE:

23 Just to remind the Bench, if I were to ask questions like this to
24 a witness I would have been objected to already five times. This
25 is obviously a repetitive question; he doesn't like the answer,

1 the International Co-Prosecutor. So I object on the same grounds
2 in respect of other objections. This is a repetitive question. So
3 my argument actually would be to use the same rulings, or to
4 express the same rulings to the Prosecution as to the Defence.

5 [10.40.20]

6 MR. KOUMJIAN:

7 Your Honour, if the witness has answered the question I'd be
8 curious which answer counsel believes he's given, because he has
9 not. He's evaded the question. He hasn't answered.

10 MR. PRESIDENT:

11 The objection of the defence team is overruled.

12 Mr. Witness, you are instructed to respond to the last question
13 put by International Co-Prosecutor.

14 MR. NEANG OUCH:

15 A. Please repeat your <last> question.

16 BY MR. KOUMJIAN:

17 Q. To your knowledge, was Ta Sy ever the Deputy of Ta Mok?

18 MR. NEANG OUCH:

19 A. I did not know.

20 [10.41.30]

21 Q. You mentioned another name -- Sam Bit -- when you were talking
22 about receiving instructions to receive foreign guests. At the
23 time that you received that instruction from Sam Bit, he was the
24 Deputy of the Southwest Zone, Deputy to Ta Mok, correct?

25 A. I gave my answer already. I received instructions from Ta Ran

1 and I just knew that Sam Bit was in the Southwest Zone, I did not
2 know whether Sam Bit was the Deputy or was the Chair of the
3 Southwest Zone. I only knew that he was in the Southwest Zone.

4 Q. Mr. Witness, there are many, many thousands, or hundreds of
5 thousands of people in the Southwest Zone. When you mentioned
6 Ran, you then mentioned Sam Bit. Is that because you knew that
7 Ran was the Sector Chairman and his boss, he would have reported
8 to the Southwest Zone Committee; is that what you knew? Is that
9 correct?

10 A. The sector reported to Zone, from what I knew.

11 [10.43.12]

12 Q. In all of the work that you did, the assignments that you were
13 given during the Khmer Rouge period, did you believe -- or did
14 they tell you that you did a good job? That you did what they
15 wanted you to do?

16 A. I performed my assignments based on what they told me. I was
17 told to work in the worksite, I was asked to build dams and dig
18 the canals, so I followed their assignments.

19 Q. Did they ever complain about how you performed your duties?
20 Did you get any complaint from Ta Mok or any Khmer Rouge DK
21 official?

22 A. I was never complained by those people.

23 Q. And is it true that in 1995, I believe you told the OCIJ, the
24 Khmer Rouge called you back to Samlaut to perform some other
25 duties? Is that correct?

1 MR. PRESIDENT:

2 Please hold on, Mr. Witness. Counsel for Mr. Khieu Samphan, you
3 may proceed.

4 [10.45.05]

5 MR. KONG:

6 Thank you, Mr. President. I would like to request the -- Mr.
7 Co-Prosecutor to present the <relevant> document<s> which he
8 referred to <the witness's statement>.

9 BY MR. KOUMJIAN:

10 Thank you, I'll do that and come back to that in just a moment.

11 Q. Sir, Ta Mok, you said in one of your previous answers, you had
12 never seen him. I don't think you meant that you've never in your
13 life saw him. So can you explain, during the Khmer Rouge DK
14 period between 1975 and 1979, were you in contact with Ta Mok?

15 MR. NEANG OUCH:

16 A. From 1975 to 1979, I met him, but what I said earlier was in
17 the period -- was during the marriage ceremony of mine and I did
18 not meet him at that time. And from 1975 to 1979, I met him
19 <several times when he was> in the Southwest Zone.

20 [10.46.40]

21 Q. And Your Honours, in the witness's statement, E319.1.15, that
22 would be his first statement I believe, at answer 102. Mr.
23 Witness, at answer 102 in your statement -- your first statement
24 to the OCIJ, the first day -- you said -- you were asked:

25 "You are now living in Samlaut. Do you hold any position in any

1 party or in the civil service?"

2 You answered: "No. The Khmer Rouge called me to Samlaut in 1995,
3 and I was assigned to take charge of education."

4 Is that correct?

5 A. Yes, that is correct.

6 Q. Who exactly called you to go take charge of education there?

7 A. I did not recall.

8 Q. Who did you report to? Who was your boss there?

9 MR. PRESIDENT:

10 Please hold on, Mr. Witness. You may proceed, Counsel Kong Sam
11 Onn.

12 [10.48.25]

13 MR. KONG SAM ONN:

14 Thank you very much, Mr. President. I would like to object to
15 this question because it is beyond <the facts in> the trial,
16 because the question relates to the period in 1996.

17 MR. KOUMJIAN:

18 The relevance of the question is simply, I certainly don't want
19 to cover the events of 1995. It relates to this witness having
20 been a loyal member of the Khmer Rouge and the inference that
21 when he performed his duties in Tram Kak, he did so in accordance
22 with the policies of the Party, because they continued to employ
23 him and give him assignments.

24 (Judges deliberate)

25 [10.49.42]

1 MR. PRESIDENT:

2 The objection of counsel for Mr. Khieu Samphan is sustained
3 because the question is beyond the facts in our trial. <Witness
4 do not need to respond to the last question asked by the
5 International Co-Prosecutor.> I would like to remind the
6 International Co-Prosecutor to focus your question on the
7 temporal jurisdiction of the Tribunal, <and the relevant facts,>
8 particularly concerning <Tram Kak cooperative and> Krang Ta Chan
9 Security Office.

10 BY MR. KOUMJIAN:

11 Q. Mr. Witness, in that same interview you were asked -- that's
12 319.1.15 -- in your fourth answer, you said to the Investigators:
13 "I would like you to consider that I was a teacher, one; and two,
14 all of my relatives were 17 April People. Would Pol Pot dare
15 assign me to do anything?" And I'd like you to explain that. Why
16 does the fact that you were a teacher mean that it would be
17 unlikely for Pol Pot or the Khmer Rouge to assign you to
18 anything?

19 MR. NEANG OUCH:

20 A. Could you clarify your question, please? <What assignment did
21 you refer to?

22 [10.51.26]

23 Q. Well, Mr. Witness, if you look at your answer in 319.1.15,
24 that's your interview, the first one, on the 28 January, and the
25 beginning of the interview in the fourth answer you gave -- I'll

1 read you the question and your answer.

2 The question the investigators asked you was: "You said that you
3 were living in the Pol Pot Zone after the 1970 coup. Did you join
4 the Pol Pot movement before 1970?"

5 You answered: "No, because I was unable to flee, I had to live in
6 the Pol Pot Zone. My mother, older brother, younger sister, and
7 all my other younger siblings were living in Phnom Penh; I was
8 living alone here. I would like you to consider that: (1) I was a
9 teacher, and (2) all of my relatives were 17 April People. Would
10 Pol Pot dare assign me to do anything?"

11 So I'd like you to explain: Why was the fact that you were a
12 teacher mean that the Khmer Rouge would not give you assignments?
13 [10.52.54]

14 A. Let me clarify. I was a teacher at that time and Democratic
15 Kampuchea categorised me as a petty bourgeoisie. <All> my
16 relatives, <my mother,> my younger sister, my blood brothers and
17 their spouses lived in Phnom Penh and they were evacuated on 17
18 April 1975. And I was assigned <by the Democratic Kampuchea> only
19 to work in the worksite <in order> to dig canals and to build
20 dams< and dykes etc>. That was the assignment that I received, so
21 I was asked to hold the tasks in Kaoh Andaet and also in Tram Kak
22 district. So again, I was asked to help in the worksites <in
23 digging canals and transplanting rice>.

24 Q. Mr. Witness, is what you're saying -- I heard your answer, and
25 I read what you told the Investigators. Are you saying that the

1 Khmer Rouge would not trust teachers and would distrust people
2 because their relatives had come from Phnom Penh, even if they
3 themselves were living in Khmer Rouge zones?

4 A. I refer only to my personal matters and, as I said, I was a
5 teacher, and my siblings were evacuated from Phnom Penh. <I did
6 not know about the other people's matters.>

7 [10.54.56]

8 Q. So Mr. Witness, was that a policy of the Khmer Rouge? Or is
9 this something that only applied to you? That they didn't trust
10 teachers and they didn't trust people whose relatives had been
11 living in Phnom Penh?

12 A. I did not know about such a policy, but what I stated and I
13 <thought of myself and took> care of myself.

14 Q. Mr. Witness, you lived in the Khmer Rouge period in the
15 Southwest Zone, is this correct, all the way from 1975 to 1979?
16 Is that true?

17 A. I lived in the Southwest Zone from 1975 to 1979.

18 Q. And sir, are you aware of policies by the Khmer Rouge to
19 discriminate against what they called April 17 People, even to
20 discriminate against relatives of April 17 People?

21 A. I am not aware of it. <But for myself, I thought so.>

22 [10.56.37]

23 Q. Mr. Witness, let's talk about your brother-in-law, Ta Mok. Can
24 you tell us what kind of person he was in your view?

25 A. I knew and met him not quite often. To me, he was a loyal

1 person. He was not only care - he did not <> care for his family.
2 I mean that he never, you know, put his interests in front of
3 others, and he never appointed his <children> or relatives to any
4 position<, nor did he give them any money. That's what I knew
5 about him>. And to me, he was kind to people.

6 Q. Mr. Witness, you are saying he was loyal to those below him;
7 and was he also loyal to those above him? Did he follow the Party
8 and DK policies? Or was he an ambitious person out to gain power?

9 A. He was not ambitious.

10 Q. Now I believe I heard you just say he did not appoint
11 relatives to positions. I'd like you to think about that and tell
12 me is that your position? That Ta Mok did not appoint his
13 relatives to positions?

14 A. He did not, you know, appoint his relatives to any high
15 position. And <for other issues>, Ta Mok did not designate any
16 task<. It was the sector level and those who were below him
17 designating the task>. <For instance, to appoint his relatives,
18 it was not Ta Mok who could take control over his relatives'
19 matter.>

20 [10.59.16]

21 Q. To your knowledge, Ta Mok always followed the orders of his
22 superiors, is that what you're saying?

23 A. I did not know concerning the question you asked.

24 Q. Mr. Witness, I would like to read to you a bit from a book
25 that a scholar of the Khmer Rouge period has written, Ben

1 Kiernan. And that's E3/1593, at Khmer, the ERNs are 00637488 to
2 90; at English, 00678538 to 539; and at French, 00638821 to 24.

3 And this scholar wrote:

4 "Mok carefully placed a network of family members in various
5 important positions in his zone. These included two
6 brothers-in-law, four sons, two daughters and five sons-in-law.
7 They were all promoted through the ranks, most after serving time
8 in Ta Mok's home district, Tram Kak, known as District 105 of
9 Region 13."

10 Mr. Witness, where was Ta Mok's home village?

11 A. His home village was in Trapeang Thum commune, Tram Kak
12 district.

13 [11.01.09]

14 Q. And the author goes on to say that Mok's son-in-law, Khe Muth
15 (phonetic), became the Deputy Secretary of Region 13 and in 1973
16 rose to become Secretary of the third Southwest division. He says
17 that Mok's daughter, Khom, replaced Muth as CPK Secretary of Tram
18 Kak. And another daughter, Ho, became Director of the Region 13
19 hospital. And he goes on to say -- sorry, two sons, Chhang and
20 Chay -- two sons, Cham and Chay, also served on the Tram Kak CPK
21 District Committee. And a brother-in-law, San, a former
22 schoolteacher, was a leading CPK official; a second
23 brother-in-law, Tith, was CPK Secretary of Kirivong District 109.
24 Is all this true?

25 A. As for what you raised, some is true and some is not true. Ta

1 Mok did not have any sons. He had only daughters, and Muth was
2 the member of Sector 13 in the <70s>, and he became the soldier
3 in the Zone in 1973, perhaps in 1973. That's what I knew.

4 [11.03.21]

5 Q. Thank you. So do you agree then that a brother-in-law, San, a
6 former schoolteacher, was a leading CPK official?

7 A. Actually he did not have any sons to be head of school.

8 Q. It must be my pronunciation; I'm saying San, as in your name,
9 your alias. It says a second -- a brother-in-law, San, a former
10 schoolteacher, was a leading CPK official. Is that true? Were you
11 a leading CPK official?

12 A. No, I was not an important cadre. I was <only> an assistant to
13 the district in the field of building dams, digging canals, and
14 working in the rice fields, and that was from 1975 to late 1978.

15 Q. Sir, how did the Khmer Rouge, during the DK period, treat
16 moral offences, mistreatment, sexual mistreatment of women?

17 A. I did not know.

18 [11.05.14]

19 Q. Were you accused of moral offences?

20 A. When Ta Mok was in Takeo, he called me from Kaoh Andaet to
21 Tram Kak district and he told me that I had been reported, that I
22 was playful or mischievous with my hands, and for that reason he
23 transferred me to lend assistance to those in Tram Kak, and in
24 the field of building dams, digging canals or working in rice
25 fields, in order to refashion myself.

1 Q. So let me understand. You were accused of sexual misconduct
2 with women. You never were interrogated about that, you never
3 were detained; is that correct?

4 A. Ta Mok said that I was accused of being mischievous with my
5 hands. <I was not arrested, and sent to anywhere.> <> He
6 transferred me from Kaoh Andaet to <assist with the works in>
7 Tram Kak.

8 Q. Did you understand that statement that you were accused of
9 having mischievous hands to mean you had had affairs with women?

10 A. I never involved in any sexual intercourse or relationship
11 with any woman, but I was alleged of doing that and for that
12 reason, Ta Mok said that I was accused of being mischievous with
13 my hands. <That's exactly the language he used.>

14 [11.07.28]

15 Q. So Mr. Witness, you received no punishment; is that correct?

16 A. For me, I thought the fact that I was transferred from Kaoh
17 Andaet to work in Tram Kak -- to assist those people in Tram Kak.
18 It means that I was just removed from my working position in Kaoh
19 Andaet and transferred to another working position in Tram Kak.
20 It was in the same case as I was removed by Ta Sy from being a
21 member of the Front, to be in charge of education -- that is, to
22 teach alphabets to the children in the three provinces. <It was
23 quite the same case.>

24 Q. Well, let me follow up on that a bit. What were you accused
25 of, or what did you do wrong to cause this transfer by Ta Sy? You

41

1 said it was the same as when you were transferred by Ta Sy. Were
2 you also accused of moral offences?

3 A. No. There was no such allegation in -- in my thought, I did
4 not commit any wrongdoing and I was simply transferred.

5 [11.09.13]

6 Q. Well, let's go back for a moment, since you've brought it up,
7 to the transfer by Ta Sy, with the letter that Ta Sy gave you
8 appointing you the Head of Education for the three provinces.
9 That made you the Head of Education for the entire Southwest
10 Zone, correct?

11 A. I did not know but I was given responsibility for the
12 education <in> the three provinces, but in fact I did not engage
13 in that work because upon returning from Pis Mountain to my
14 <native> village <in Tram Kak district>, I became ill.

15 Q. Sir, there's quite a long time between 1970 and 1975 -- that's
16 five years. What were you doing during those five years? You said
17 you were ill. When you weren't ill, what were you doing?

18 A. You asked me some repetitive questions, because I <already>
19 responded to that. As I said, in 1971, <Democratic Kampuchea,>Ta
20 <Saom,> sent me to Kaoh Andaet district, and in fact I was ill
21 for six months, and after I recovered, that's when Ta <Saom>
22 transferred me to Kaoh Andaet.

23 [11.11.00]

24 Q. Sir, the organisation of DK was that at each level -- commune,
25 sector, zone -- there was a committee of three persons. That was

1 the normal organisational structure, correct?

2 A. In some areas, there were two members and in others there were
3 three, so it varied.

4 Q. Who was in the committee at Kaoh Andaet when you were there,
5 who was on the committee?

6 A. Ta Sieng was the Secretary, <> Ta Chan <was the Deputy>. There
7 were only <them>.

8 Q. Who was Ta Chan?

9 A. Ta Chan passed away. What's the need of asking about Ta Chan?

10 Q. You're saying that he passed away. My question was simply who
11 was he. Do you know anything else about him you can tell us?

12 A. Ta Chan was Ta Sieng's deputy.

13 [11.13.04]

14 Q. Now, in the work that you did, you said you had some work
15 growing rice. Were you planting the rice? What actually did you
16 do?

17 A. In 1975, that is after the war ended, Ta Mok had a plan to
18 build a dam at Angkor Borei lake, and I participated in the
19 raising of that dam. And all forces were sent from <district --
20 >the surrounding communes to build that dam and after that I
21 engaged in dry season farming at <Angkor Borei> dam, and <I dug
22 the canals, and raised the dykes at> that lake, and subsequently
23 I was asked to clear a plot of land <at Prek Lpov (phonetic) and
24 Thung Lech (phonetic) west of > Kaoh Andaet<,> and to <dig the
25 canals and to do> dry season rice farming and to build another

1 dam at Boeng Kork (phonetic) and <to construct> a water pump
2 station <at the south of Boeng Kork dam.> So, that's basically
3 the works that I engaged in during that period<, and I also
4 engaged in the work with male and female youths as well.>

5 Q. Sir, what was your role in that work? Were you doing the
6 physical labour? Were you the supervisor, supervising the
7 labourers? Were you in charge of security? What was your role?

8 A. I was not in charge of security. I was an assistant to the
9 district and I was tasked to see how the work was progressing in
10 terms of building the dyke or the dam or dig the canal. My work
11 was purely technical. For instance, in relation to the building
12 of the water pump station.

13 [11.15.40]

14 Q. Well, explain that. Were you in charge of the workers? Did you
15 give them instructions?

16 A. <For> mobile units<, there> were <youth mobile unit chief and
17 female mobile unit chief,> and we did not give them any
18 instruction. But whenever there was a work plan, we consulted
19 amongst one another.

20 Q. And when you say "we", who do you mean? You and the other
21 members of the District Committee?

22 A. I used the word "we", I mean I myself and the mobile unit
23 chiefs, all the youth mobile unit chiefs. We held meetings to
24 discuss about the work plan and what we had to do. And this does
25 not mean I gave them instructions, but we consulted respectively

1 in terms of the work plan.

2 [11.17.03]

3 Q. So who was in charge? No one?

4 I gather you did not get the question. I'll repeat it.

5 You said that you would consult with the leaders of the mobile
6 units. My question is who then was in charge? Are you saying no
7 one was in charge? Who was in charge?

8 A. The mobile units were selected from the commune level. In that
9 regard, for logistics, including food and clothing, they were
10 supplied by their respective communes. And my role at the
11 worksite was to take consultation with the mobile unit chiefs at
12 the actual worksite on the progress of the work and on the work
13 plan.

14 Q. Sir, can you explain the chain of command for the mobile
15 units? You said there were people in charge of the mobile units.
16 Who did they report to?

17 A. At that time, in regard to the reporting regime, it was very
18 difficult to say. Sometimes when I were called - or when we were
19 called by the District Committee -- that is, Ta Sieng and Ta Chan
20 -- then the mobile unit chiefs <of each commune> and myself would
21 go to meet them <at their places>.

22 [11.19.45]

23 Q. So you would go and meet with the members of the District
24 Committee about these work assignments. Is that right?

25 A. The mobile unit chiefs and I, and when I refer to the mobile

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1 unit chiefs<, > I refer to the mobile unit chief, the youth mobile
2 unit chief and the female mobile unit chief<, who were from each
3 commune> , <and> each of us would go and meet with the District
4 Committee<, Ta Sieng and Ta Chan>.

5 Q. Now you talked about being assigned by Ta Mok after the
6 accusation of mischievous hands to Leay Bour. First of all, can
7 you tell us what is Leay Bour? Is it a village, is it a commune,
8 or is it both of those?

9 A. Leay Bour is a commune and there is also a village called Leay
10 Bour within the Leay Bour commune.

11 [11.21.21]

12 Q. Where did you live? Did you live in the village Leay Bour?

13 A. I had a small house just opposite Leay Bour Cooperative, and
14 that location was six kilometres from the Takeo provincial town.

15 Q. Okay. You mentioned that your house was opposite the
16 cooperative; does that mean it was inside the village called Leay
17 Bour or outside the village?

18 A. It was inside Leay Bour village.

19 Q. Was the cooperative also called Leay Bour? Or did it have
20 another name?

21 A. The location was known as Leay Bour cooperative <only>.

22 Q. When you say -- you used the word "cooperative"-- About how
23 many people were in the cooperative at the time you arrived in
24 Leay Bour? Can you give us an estimate? Are we talking about
25 hundreds, thousands, tens of thousands?

1 A. I cannot recall the exact total number.

2 [11.23.20]

3 Q. Was the cooperative organised to do any particular work? If
4 so, can you explain what kind of work?

5 A. The cooperative engaged mainly in rice farming. And as I said,
6 that's the main duty of the cooperative to do, to engage in rice
7 farming, and besides that to engage in plantations or in building
8 dams.

9 Q. Who was in command of the cooperative?

10 A. I cannot recall the name, but as for Leay Bour commune, it was
11 Ta <Koe>.

12 Q. Okay, that leads to my next question. How did the cooperative
13 chain of command work? Did the head of the cooperative, or the
14 committee that headed the cooperative, did they report to the
15 commune level, to the district level? How did that work?

16 A. The cooperative would report to the commune and subsequently
17 that commune would report to the district.

18 [11.25.23]

19 Q. What was the distance from your house to the District Office
20 for District 105, for Tram Kak?

21 A. Leay Bour was located -- Leay Bour cooperative was located to
22 the <south> of National Road <Number 25 from Takeo town to Angk
23 Ta Saom,> and my house itself was located to the south -- that
24 is, the south of the cooperative and also along the National Road
25 Number 5. It was just on the other side of the National Road. And

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1 from my house to the cooperative, it was about 50 meters. And the
2 distance from my house to Tram Kak office, which was located in
3 Angk Roka, was about 15 kilometres, because from my house to Angk
4 Ta Saom, it was about six kilometres, and from Angk Ta Saom to
5 <Angk Roka>, it was about nine kilometres.

6 Q. Was the District Office in a former pagoda at Angk Roka?

7 A. The District Office was located at the currently Angk Roka
8 market. It was located to the west of Angk Roka Pagoda.

9 Q. Was the pagoda still being used as a pagoda?

10 A. <To this day,> it is still a pagoda.

11 [11.27.47]

12 Q. Thank you. During the Khmer Rouge time, are you saying it was
13 used as a pagoda then?

14 Sir, when you were in Tram Kak, when you were transferred to Leay
15 Bour, was the Angk Roka Pagoda being used for Buddhist worship?

16 A. No, it was not.

17 Q. Is it true that there were no pagodas in Tram Kak district,
18 that they all were used for other purposes, were shut down during
19 the Khmer Rouge time?

20 A. There were no pagodas and there were no monks, but I did not
21 know for sure for what purpose other pagodas had been used during
22 the Khmer Rouge.

23 Q. What about that one? It was used as a prison, isn't that
24 correct, Angk Roka?

25 A. I did not know.

1 Q. Sir, what was the distance from Leay Bour to Krang Ta Chan?

2 A. Even today I don't even know which commune Krang Ta Chan is
3 located in.

4 [11.30.02]

5 Q. Sir, your brother disappeared during the Khmer Rouge regime,
6 correct?

7 A. My elder brother, <Nuon> (phonetic), who left Phnom Penh to go
8 to Kaoh Thum district -- and I met him once -- later on he
9 disappeared and have not seen him since and I only met his wife.

10 Q. Did his wife tell you what happened to him? What happened to
11 him -- your brother?

12 A. I did not know because we lived far away from one another, as
13 she lived in Kaoh Thum district and I lived in Takeo province.

14 Q. Had your brother served in the Lon Nol army?

15 A. I lived at a far distance from my elder brother. My elder
16 brother lived in Kaoh Thum district while I lived in Takeo
17 province.

18 Q. My question, sir, was: Did he serve in the Lon Nol army; do
19 you know? Yes or no.

20 A. I did not know because he was in Phnom Penh while I was living
21 <in Takeo> under the Democratic Kampuchea regime control.

22 MR. PRESIDENT:

23 The time is appropriate for a lunch break, or do you have one
24 last question Mr. International Co-Prosecutor?

25 BY MR. KOUMJIAN:

1 Thank you, Your Honour. Just one question.

2 Q. You told us about the death of your brother. Can you tell us,
3 do you know other people that disappeared in Tram Kak district
4 when you lived there in Leay Bour?

5 MR. NEANG OUCH:

6 A. I did not know.

7 MR. PRESIDENT:

8 The time is convenient for a lunch break and we will take a break
9 now and we will resume at 1.30 in the afternoon.

10 And Court officer, please assist the witness during this lunch
11 break and invite him back into the courtroom, including his duty
12 counsel, at 1.30 this afternoon.

13 And security guards, you are instructed to take Khieu Samphan
14 into the waiting room and have him returned to the courtroom
15 before 1.30.

16 The Court is now in recess.

17 (The Court recesses from 1133H to 1331H)

18 MR. PRESIDENT:

19 Please be seated. The Court is now in session, and again, we will
20 like to hand the floor to the International Co-Prosecutor to put
21 further questions to this witness. You have the floor, the
22 Co-Prosecutor.

23 BY MR. KOUMJIAN:

24 Thank you, Mr. President. Good afternoon, Mr. Witness.

25 Q. Sir, this morning, you told us that there were no pagodas

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1 operating in Tram Kak during the DK period. Was there a pagoda in
2 Leay Bour? And what was that being used for when you lived in
3 Leay Bour?

4 MR. NEANG OUCH:

5 A. No.

6 [13.32.21]

7 Q. Let me see if I can refresh your recollection. A witness
8 testified -- civil party spoke before this Court on the 27th of
9 January. And the ERN for this is -- the transcript is E1/253.1.
10 In English, it's 01060969; in Khmer, it is 010629999, and at
11 09.44 in the morning, Ms. Chou Koemlan said that, "In the DK
12 period, the pagoda in Leay Bour was turned into a place for
13 keeping children. The prisoners were also kept in that pagoda --
14 in Leay Bour pagoda", she said, "so the pagoda became the
15 prison".

16 Sir, he's told us that there were no pagodas operating in Leay
17 Bour in Tram Kak district. Why was that? Why was it that during
18 the DK period there were no pagodas in operation?

19 A. I didn't see pagoda used as a prison or as a <place for
20 keeping children>.

21 Q. Sir, my question is -- thank you for that. My question is why
22 pagodas weren't being used as places of Buddhist worship. Why
23 weren't monks at the pagodas and ceremonies performed there? What
24 was the policy that made it so that there were no pagodas?

25 A. I did not know about that. However, when I arrived in Leay

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1 Bour, there were no monks and the pagoda was not used as a place
2 for Buddhist worship at all. But it did not turn into a prison or
3 <a place for keeping children, or> anything like that.

4 [13.34.53]

5 Q. Sir, you're a highly educated man. You told us you were given
6 assignments of responsibility, meeting foreign guests, leading
7 work projects, leading workers to work projects, why was -- what
8 was the Khmer Rouge policy towards the Buddhist religion? What
9 did you hear and observe?

10 A. I did not know <or hear> anything about that.

11 Q. But sir, you attended meetings of district committees in Kaoh
12 Andaet and in Tram Kak in Sectors 108 and 105; is that correct?

13 A. I attended the meetings in my capacity as an assistant.

14 Q. Did you ever hear Khmer Rouge cadres speaking about the policy
15 towards religion?

16 A. No, I did not hear anything about it from 1975 to 1978.

17 [13.36.23]

18 Q. Now, sir -- by the way, are you a practising Buddhist?

19 A. Yes, I am a Buddhist.

20 Q. Did you practise your religion during the DK period?

21 A. During the DK period, there was no place of worship. However,
22 at my house, I actually pray. I paid my respect to Buddha statue.

23 Q. So you were allowed to keep a Buddha statue in your house; is
24 that right?

25 MR. PRESIDENT:

1 Mr. Witness, please wait until the microphone is operational.

2 MR. NEANG OUCH:

3 A. There was no Buddha statue; I just prayed.

4 [13.37.50]

5 MR. KOUMJIAN:

6 Q. Your prayers must have been answered because you survived. So
7 let me move on to a different subject.

8 Sir, you said that you led workers during the DK period in
9 various work projects. Those people that were doing the actual
10 labour, were they there voluntarily?

11 MR. NEANG OUCH:

12 A. As for male and female youth at the worksite of digging canal
13 or building dams, they worked at their own will; they were not
14 forced to do so.

15 Q. So it's your testimony that they could decline a work
16 assignment with no consequences; is that correct?

17 A. There was no male or female youth who refused to work.
18 However, there were cases where they fell ill -- that is, they
19 had fever and then they could rest without having to work. And
20 sometimes they were sent to hospital for treatment.

21 [13.39.22]

22 Q. By the way, did your wife have a position at the hospital?

23 A. No, she did not.

24 Q. During the DK period, your wife, Ta Mok's younger sister, what
25 assignments did she have?

1 A. She did not have any position. She stayed at home -- at her
2 own home to take care of her mother. And that was at Takeo
3 province. And only occasionally, I went to visit her mother --
4 that is, my mother-in-law.

5 Q. Was she a member of the Communist Party of Kampuchea, your
6 wife, Ta Mok's sister?

7 A. I did not know. But it seems that she was not a member.

8 Q. In District 105, Tram Kak, when you lived at Leay Bour, you
9 attended monthly meetings of the District Committee, where
10 members of the commune, heads of the commune reported; is that
11 correct?

12 A. In the meetings held at the district, commune chiefs had to
13 report to the District Committee.

14 [13.41.30]

15 Q. Sir, in Leay Bour -- I want to read something to you, again,
16 from the same book I read this morning, E31593; the English, ERN
17 00678587; in Khmer, 00637634; and I do not have the French. It
18 stated -- the author wrote:

19 "In 1977, new cadres took over Leay Bour and called separate
20 meetings for each category. They instructed the deportees to
21 'temper themselves': [...] Then they formed the three categories
22 into separate cooperatives. The full rights people stayed in Leay
23 Bour and were called 'kong No. 1.'" And I -- I'm skipping a bit
24 -- "Deportees and candidates were assigned to different
25 cooperatives called kong Nos. 6, 7, and 8. They were moved to

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1 another area within Leay Bour subdistrict."

2 Is that correct, Mr. Witness, that people were put into different
3 cooperatives and lived in different areas in Leay Bour according
4 to categories?

5 A. Although I lived in Leay Bour, I did not know the details
6 about the various work groups of people. As I stated, I mainly
7 worked in the rice fields or at the worksite or building dams or
8 digging canals.

9 [13.43.34]

10 Q. Well, sir, were you assigned to one of these units -- these
11 kongs? Or were you at too high a position to be assigned to such
12 a unit?

13 A. I did not have any position to supervise any unit, and I did
14 not have any position that was senior than what I stated. And I
15 already informed you that Ta Mok had me transferred to Tram <Kak>
16 district to be an assistant to the District Committee in dealing
17 with the rice fields and with building dams and digging canals --
18 that is, in short, to assist them in the -- at the worksite.

19 Q. Excuse me. I thought you were assigned to Tram Kak to meet
20 foreign guests and that the assistant to the District Committee
21 was your assignment at Kaoh Andaet. Did you -- are you confused
22 about that? Or did I get it wrong?

23 A. No, I'm not confused. The work dealing with foreign guests
24 happened only occasionally.

25 [13.45.02]

1 Q. You said you met two delegations that you recall: a Swedish
2 delegation and a Chinese delegation. Were those the only
3 delegations you met?

4 A. Yes, they were the only two delegations that I met.

5 Q. Were you present for the visit of American journalists to Leay
6 Bour, including a woman in December 1978?

7 A. No, I did not meet them.

8 Q. Were you in Leay Bour throughout December 1978 or were you
9 somewhere else?

10 A. I was in Leay Bour until December 1978.

11 Q. Approximately when did you leave? Let me withdraw that. Let me
12 ask the question again.

13 Is it correct you stayed up until the time that the Vietnamese
14 invaded?

15 A. I stayed there until the Vietnamese entered to the territory
16 of Kampuchea.

17 [13.46.55]

18 Q. Now sir, why was it that the Khmer Rouge took these important
19 foreign delegations to Leay Bour?

20 A. I did not know.

21 Q. What exactly were your instructions about what to show or tell
22 them?

23 A. The sector gave me instruction to show them the cooperative,
24 the dining hall, in particular of Leay Bour cooperative and about
25 the school for the children to the south <of the National Road

1 near to my home>. And, as for the Chinese delegation, I had to
2 show the rice field<s> to the east of the cooperative.

3 Q. In your statement -- this would have been the first statement
4 you gave the first day -- E319.1.15 in answer 53, you were
5 talking about the foreign guest. You said: "Cars from Phnom Penh
6 brought the foreign guests to my place and I went to meet them.
7 Then I took them to show them model homes and model rice fields
8 that were built for single families."

9 Sir, who lived in these model homes for single families?

10 A. I cannot recall it. However, the houses were distributed to
11 the persons living in Leay Bour village. And in fact, that
12 village was call Thnong Roleung village.

13 [13.49.25]

14 Q. Sir, the house that you lived in, how did you get that house?
15 Was that assigned to you?

16 A. Yes, I -- it was given to me.

17 Q. By who?

18 A. The houses were built by the commune and then they were
19 assigned to people and I was one of the people who were assigned
20 a house. It was <opposite> the cooperative and also to the
21 <south> of National Road Number <25>.

22 Q. So you were living in one of the houses built during the DK
23 period; correct? Do I understand you correctly?

24 A. My house was not a model house because the model houses were
25 taller and they were built on poles. <For my house, it was on the

1 ground.>

2 [13.51.03]

3 Q. Now, please answer my question. Was your house built during
4 the DK period?

5 A. The house was built when I was transferred to Leay Bour and it
6 was around probably October 1977.

7 Q. Who was assigned to build your house? Do you know?

8 A. I already responded to your question. The houses were built by
9 the commune but I could not <recall> which person built the
10 house<, but they were from the commune, Leay Bour commune.>

11 Q. Let me move on. Sir, there's documents on our case file about
12 Leay Bour being a model cooperative -- a model village, including
13 the July 1977 issue of "Revolutionary Flag" -- that is, E3135.
14 First of all, sir, have you heard of this -- the "Revolutionary
15 Flag" publication? Have you seen those?

16 A. Yes, I used to see them -- that is, the "Revolutionary Flag"
17 magazines.

18 Q. Where would you see them, sir?

19 A. I saw them at the cooperative as they were distributed by the
20 commune<, but I was not interested in reading them.>

21 [13.53.13]

22 Q. What kinds of people were given -- or are given access to
23 "Revolutionary Flag"? Can you tell us? Was it only the very
24 highest or was it distributed to all the cadres and all of those
25 working in the commune?

1 A. There were not many copies of the magazines. They were
2 distributed only to certain people -- that is, to those people
3 who live under the commune and they were not distributed to
4 workers or peasants. <They were distributed to communes, one for
5 each commune.>

6 Q. Were the persons in authority -- the commune chiefs, the
7 commune committees, the village committees -- have access --
8 given access to "Revolutionary Flag"?

9 A. Yes, they did.

10 Q. And what about the security personnel, did they have access to
11 "Revolutionary Flag"?

12 A. I did not know.

13 [13.54.43]

14 Q. Sir, in this July 1977 issue, the English ERN is 00406850
15 (phonetic); in Khmer, 00062794, and the following two pages; and
16 in French; 00487711, and the following three pages; there's a
17 description of an award being given to Leay Bour -- excuse me --
18 to Tram Kak as a model district. And it says in the third
19 paragraph on the next page of the ERN -- should be in English --
20 00446851. I'm skipping ahead to shorten things a bit. But in that
21 third paragraph, it says:

22 "Comrades, you are models in terms of the stance of Socialist
23 Revolution during the work of Socialist Revolution will, waging
24 class struggle mightily and profoundly, especially inside the
25 Party in all of your districts."

1 Did you -- sir, do you believe that's an accurate description of
2 Tram Kak district, the time you lived there, that it was a model
3 in terms of the Socialist Revolution and in "waging class
4 struggle mightily and profoundly"?

5 A. On this matter, I do not know. However, that assessment was
6 not at the time that I went to live in 1977. I believe that
7 assessment was made by the government of the DK in 1975 or 1976.
8 And that assessment was probably focussed on the agricultural
9 product because the land in that district <was sand, it was a
10 weak soil, but they could achieve sufficient agricultural
11 products for livelihood of the people>. And that is my personal
12 understanding, although I could not speak for the opinion of the
13 government at the time.

14 [13.57.33]

15 Q. Just -- since you mention agriculture -- did Tram Kak district
16 -- when you were there, when you were working on -- you said
17 among other things, I believe you said it was rice growing -- did
18 Tram Kak district send rice to the Centre -- to Phnom Penh?

19 A. I cannot recall that.

20 Q. Sir, what I just read you -- there's a phrase I'd like your
21 help with, understanding. It talks about -- in that paragraph I
22 just read you -- "waging class struggle mightily and profoundly,
23 especially inside the Party". And this is -- to answer your
24 question about the timing of this -- this, again, is from July
25 1977, the month after you moved to Tram Kak, that this magazine

1 was published.

2 Can you help us, what does it mean in Tram Kak, "class struggle
3 was waged mightily inside the Party"?

4 [13.59.02]

5 A. I came to Tram Kak district in June 1977. However, upon my
6 arrival, I was injured on my left knee, so I had to be
7 hospitalised for three months. And on the issue of waging a class
8 struggle, I could not make such a comment on this issue because
9 that assessment was made by the upper echelon.

10 Q. You were in hospital for three months with a knee injury?

11 MR. PRESIDENT:

12 Please wait, Mr. Witness, until the phone is -- the microphone is
13 operational.

14 MR. NEANG OUCH:

15 A. Yes, I had a wound on my left knee and not on my ribs.

16 BY MR. KOUMJIAN:

17 Q. From playing football; correct?

18 MR. NEANG OUCH:

19 A. No. In fact, it's a -- in fact, it was volleyball. And when I
20 fell down, <> I had an injury on my knee<, a small piece of the
21 bone was broken. It was detected through x-ray>.

22 [14.00.42]

23 Q. Thank you. When you met this Chinese delegation, you said Ran
24 gave you -- if I'm correct -- gave you that assignment. Did Ran,
25 Ta Mok or other Khmer Rouge cadre discuss with you the importance

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1 of the trip and China's important as the ally -- the most
2 important ally of the Khmer Rouge?

3 A. Only Ta Ran who spoke to me but he did not speak to me on the
4 matters that you just raised.

5 [14.01.40]

6 Q. I would like to read to you from a book that was just recently
7 placed on the case file. And it's E342. And in that book, the
8 author wrote:

9 "Perhaps no single" -- it's called 'Brothers in Arms: Chinese Aid
10 to the Khmer Rouge, 1975-'79'. And the author wrote that:

11 "Perhaps no single individual in China better symbolised the
12 concept of 'self-reliance' than the head of the famous Dazhai
13 model commune, Chen Yonggui."

14 My pronunciation of Chinese is as bad as my Khmer, so that's how
15 I would pronounce it.

16 "Chen's extended visit to Cambodia in December 1977 underscored
17 the legitimacy of the CPK's own rhetoric of self-sufficient
18 development. His trip was also meant to shore up evidence to
19 strengthen his position at home and was apparently perceived by
20 the Khmer Rouge leadership as a last, best, and ultimately,
21 unsuccessful chance to help strengthen the waning leftist line in
22 China that was threatened by the (re)emergence of Deng Xiaoping
23 and the reform coalition. Pol Pot" --

24 [14.03.48]

25 MR. PRESIDENT:

1 Please hold on, Mr. Co-Prosecutor.

2 Counsel, you may proceed.

3 MR. VERCKEN:

4 Thank you. I would like the prosecutor to tell us whether E3
5 followed by <a figure is the name> of the book, <can he tell us
6 if that also is> the name of the author? And if not, <may he then
7 inform us of> the name of the author <of this book, of his title,
8 and what makes him feel entitled to> use this document today?

9 MR. KOUMJIAN:

10 Thank you. Your Honour, the title -- the author of the book is
11 Andrew Mertha -- M-e-r-t-h-a. And I don't authorise myself. This
12 was a decision from the Trial Chamber, E342, admitting this book
13 into putting it on the case file. It was just published in 2014.
14 So the -- E342 is the decision of the Bench -- of the Trial
15 Chamber.

16 [14.05.12]

17 BY MR. KOUMJIAN:

18 So, sir, I was reading that, "Pol Pot himself hosted Chen and
19 personally took him all over Cambodia, where Chinese official" --
20 excuse me - "the Chinese official met with a constellation of DK
21 officials, including zone leaders like Ke Pauk, So Phim, and Ta
22 Mok; the military commanders like Meas Muth and Thuch Rin; and a
23 number of local DK cadres". And then -- I skip a sentence --
24 "While there, the embodiment of Dazhai visited the Leay Bour
25 model commune, which boasted 9,000 families over 4,000 hectares."

1 So sir, were you aware that Pol Pot accompanied this important
2 guest from China?

3 MR. PRESIDENT:

4 Witness, please hold on.

5 Mr. Counsel, you may proceed.

6 [14.06.32]

7 MR. VERCKEN:

8 Thank you. Under the supervision of the Chamber, I believe the
9 reference E342 corresponds to <the> request made by the
10 Prosecution <but most certainly not to> a decision rendered by
11 this Chamber authorising <the> use <of> this book. And if that is
12 indeed the case, <that is why> we object to the Prosecution's use
13 of <this> book.

14 MR. KOUMJIAN:

15 My understanding is that the book - to clarify things, my error.

16 (Judges deliberate)

17 [14.09.27]

18 JUDGE FENZ:

19 May I just a question to Prosecution to clarify: Is he correct
20 that this was filed today, the request? I mean I know we have
21 discussed the book but the request was filed when?

22 MR. KOUMJIAN:

23 The request was filed on the 3rd March 2015, and my understanding
24 is that the document has been given the number E342.1.

25 (Judges deliberate)

1 [14.13.18]

2 MR. PRESIDENT:

3 Judge Lavergne, you may proceed. Could you please ask the
4 Co-Prosecutor for clarification?

5 JUDGE LAVERGNE:

6 Yes, thank you, Mr. President.

7 Mr. Counsel for the Prosecution, we have crosschecked and found
8 that we are seized of a motion, E342, which was filed on the 3rd
9 of March, and on the 9th of March <that is, today>, we have the
10 French version thereof. The Chamber is of the view that, if you
11 wish to use <this request> and the document which <it> concerns
12 -- that is, the book of Mr. Andrew Mertha, either you would have
13 to make an oral application, which will be discussed by the
14 Parties today and then we will rule on it or you proceed to
15 another subject in your examination<-- or move on to another
16 topic.>

17 [14.14.19]

18 BY MR. KOUMJIAN:

19 Thank you, Judge Lavergne. Because I'm short of time I'm going to
20 move on to another document, and that is E31339.

21 Q. Mr. Witness, this is a report from the Phnom Penh Domestic
22 Service. It indicates in the ERNs -- well it's only - I give the
23 ERNs: English, 001683350 to 51; in Khmer, it's 01063905 to 07;
24 and in French - I'm sorry, I don't have the French.

25 In the first sentence it indicates: "On the morning of 13

1 December, Comrade Cheng Yonggui, and other Chinese comrades,
2 accompanied by Comrades Pol Pot, Secretary of the KCP Central
3 Committee, and Prime Minister Ieng Sary, Vorn Vet, and Thiounn
4 Thioeunn, left Kampong Som town to visit the Southwest region."
5 [14.15.48]

6 Skipping to the last paragraph on that page: "On the morning of
7 14 December, Comrade Cheng Yonggui and other Chinese comrades,
8 left Takeo town for Phnom Penh, accompanied by our comrade Party
9 Secretary, and Comrades Ieng Sary, Vorn Vet, and Thiounn
10 Thioeunn. A large crowd lined the streets of Takeo." And then on
11 the next page, "On the way to Phnom Penh, the Chinese comrades
12 stopped to participate in a mass meeting at the Leay Bour
13 Cooperative."

14 So, sir, did you see the upper echelon of the Khmer Rouge: Pol
15 Pot, Ieng Sary, Vorn Vet, with the Chinese guests in this visit
16 to Leay Bour in December 1977?

17 MR. NEANG OUCH:

18 A. I saw only Chinese delegation but I didn't see Pol Pot and
19 Ieng Sary. I saw only those who accompanied them. Those who
20 accompanied them was from the Ministry of Foreign Affairs and the
21 people who are in the street to receive the delegation, I didn't
22 those people who were on the street.

23 [14.17.33]

24 Q. Sir, did -- before the guest arrived, were ordinary workers
25 given instructions or were efforts made to make the commune

1 appear particularly clean?

2 A. We were receiving Chinese delegation in a casual manner,
3 including cooking rice and soup at the cooperative kitchen for
4 <people and peasants in that cooperative, not for the visitors>.
5 And we did not organise any big ceremony. It was a kind of
6 ordinary management<>.

7 Q. Can we go back to E3/1593, page 191 and 192 of Kiernan's book?
8 In English, the ERN is 0067590 (phonetic), states that, "Around
9 the end of 1977, a group of Europeans and Chinese came to visit
10 the model cooperative in Tram Kak. Sarun's mobile unit was
11 labouring nearby. He recalls that the night before, the workers
12 were informed they would stop next day at 10.00 a.m. to get a new
13 set of clothes each, and then proceed to the communal mess hall.
14 'Anyone who fought over the food would be withdrawn", and
15 indicates the use of the Khmer word "doh cen", which, according
16 to the author, usually means "execution", 'because the foreigners
17 were coming to photograph'."

18 Sir, is that true?

19 [14.19.54]

20 MR. PRESIDENT:

21 Please hold on, Mr. Witness. Mr. Kong Sam Onn, you may proceed.

22 MR. KONG SAM ONN:

23 Thank you, Mr. President. I have no objection because the
24 Co-Prosecutor indicated ERN in English but he failed to mention
25 ERN in Khmer <and French>, please <indicate ERN in Khmer>.

1 BY MR. KOUMJIAN:

2 It's fair enough and I don't have it so we'll look it up and I'll
3 move on for a moment.

4 The ERN in Khmer is 00637488 to 490.

5 Q. I'm just going on a little bit: "At 10.00 a.m., they all left
6 the worksite, washed their oxen and ploughs, and then bathed.
7 'Anyone who wasn't washed clean would be withdrawn'." It says
8 that: "Sarun has two vivid memories of this visit. For the first
9 time in years, he saw European faces: three bearded, two with
10 long hair, and the other bald. Also 'one of us ate so much he
11 fell over backwards, and was taken to hospital, and never came
12 back'."

13 [14.21.25]

14 Do you recall before the Swedes -- Swedish journalist visited,
15 that instructions -- that new clothes were handed out?

16 MR. NEANG OUCH:

17 A. There was nothing strange. They would wear the same dress, the
18 same uniform. There was no arrangement for that reception.

19 Q. Mr. Witness, in your view, was Leay Bour a typical commune in
20 Democratic Kampuchea?

21 A. I cannot make assessment on this but Ta Mok sent me to stay
22 and work there. I had to follow his instruction. It was not more
23 than other places, as I can say. There was model house, there was
24 a dining hall, there was school building in front, and the rice
25 paddy on both to the east and to the west. That's all about this

1 cooperative.

2 [14.22.55]

3 Q. And sir, what about District 105, Tram Kak? In your
4 experience, you said you were in District 108 and some other
5 places. Was Tram Kak typical of Khmer Rouge policies around the
6 country, as far as you could tell?

7 A. To my opinion, I think it was normal. But it received from the
8 upper echelon as a model district. I take it to the word of the
9 upper echelon, but to myself, I think it was a simple, ordinary
10 cooperative - district, rather.

11 Q. Sir, you've discussed the positions that you held or the fact
12 that you said you held no position in Kaoh Andaet, in Sector 108
13 -- District 108, and in Tram Kak, District 105. Just so that
14 we're absolutely clear: Were you ever on a District Committee
15 anywhere in Cambodia during the DK regime?

16 A. No, I didn't. I was simply the assistant at Kaoh Andaet
17 district and also an assistant to the committee of Tram Kak
18 District Committee.

19 [14.24.51]

20 Q. District Committee members, especially the head of the
21 District Committee would have his own or her own messengers
22 assigned; is that correct?

23 A. The District Committee assigned one messenger for them who
24 would accompany him or her to different places, especially when
25 they travel from one place to another. They would be accompanied

1 by one messenger at a time.

2 Q. Let me make sure -- perhaps you didn't understand my question.

3 So did the District Committee Chairman have messengers during the

4 DK regime in the districts you were at? Or they have one

5 messenger or more than one messenger.

6 A. There were not many. Most often, there were one or two

7 messengers who work<ed> as a bodyguard and who was called <a>

8 messenger <at that time>.

9 [14.26. 27]

10 Q. Who did they report to? The district messengers? Who was their

11 boss?

12 A. District messengers were with the District Committee. They did

13 not report to anyone. All they had to do was to accompany <and to

14 protect them>. That's all.

15 Q. Sir, did you have messengers assigned?

16 A. No, I didn't have.

17 Q. Sir, I would like you to look at your statement from the 28th

18 of January, E319.1.15 and look at answer 30 that you gave at that

19 time. Under the section "Investigator's comments", it indicates:

20 "We showed a photograph identifying Wat Ang Serei Meali Pagoda

21 (Wat Samphli Pagoda) to the witness." And then it says you said

22 that, "you used to travel to that area once in a while during the

23 Khmer Rouge regime, but if I visited the area again, people

24 probably would not recognise me." And then, Mr. Witness, you said

25 this -- listen carefully -- you told the Investigators: "I went

1 there to look after the workplace for my messengers, the district
2 messengers, to see how they were living."

3 So sir, if you were never on a District Committee, why did you
4 have messengers, district messengers, that you called your
5 messengers?

6 [14.29.01]

7 A. This is my mistake in response because Ta Sieng and Ta Chan
8 assigned me to look and to supervise their messengers in terms of
9 food supplies, to see if they were adequate, so at Samphli
10 Pagoda. They were the messengers for Ta Sieng and Ta Chan. Those
11 messengers were tasked with circulating letters from the commune
12 to the district and from the district -- from Ta Chan and to Ta
13 Sieng, and to different communes. This is my mistake in giving
14 this response. In fact, they were the messengers of Ta Sieng and
15 Ta Chan.

16 Q. Sir, was it a mistake because you revealed the fact that, in
17 fact, you really did have messengers because you were the
18 District Committee Chairman in Tram Kak?

19 A. I had no messenger. I was living in my house to the south of
20 the Leay Bour Cooperative. I had no messenger at all.

21 [14.30.39]

22 Q. Sir, during the DK regime, did you make enemies? Are there
23 people who, you believe, are out to get you because of something
24 you did to them?

25 A. No. I did not have any enemy during the DK period. Also in

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1 District 108, I did not have any enemies. I lived with the
2 workers at the worksite, in the rice field; I slept with them,
3 sometimes in the same mosquito net with the youth working in the
4 worksites for digging canal <at Prek Lpov (phonetic) and Thung
5 Lech (phonetic)>. So, I can say that I had no enemies at the
6 time, and when I went to Tram Kak district, I also had no enemies
7 there.

8 Q. So there's no reason for anyone to lie about your positions in
9 Kaoh Andeat and in Tram Kak district, is that right?

10 A. I did not have any position and, as I said, I was an assistant
11 to the District Committee, dealing with the construction of
12 building dams, <dykes> and canals, and working in the rice
13 fields.

14 MR. KOUMJIAN:

15 Your Honour, this would be an appropriate time to break, if you
16 wish.

17 [14.32.25]

18 MR. PRESIDENT:

19 You may continue for a little while.

20 BY MR. KOUMJIAN:

21 Q. Very well. Sir, do you know Im Chaem?

22 MR. NEANG OUCH:

23 A. Yes, I knew her during the regime.

24 Q. Sir, any reason for her to lie about you?

25 A. I can say her recollection is not that precise.

1 Q. Okay, Mr. Witness, let's see: Im Chaem spoke to DC-Cam,
2 document E305/13.23.330; English, the ERN is 00951845, it's page
3 21 and 22; and in Khmer, it's ERN 0092987 to 78; and the
4 interviewer, Danny, asked her why she was transferred to Kaoh
5 Andaet; was the committee in Kaoh Andaet removed?

6 [14.34.02]

7 She said: "There were frequent conflicts among the committee.
8 When I arrived there, the Chairman was transferred to Kirivong",
9 then he asked her who was in charge of Kaoh Andaet at the time.
10 She gave her answer and then he said, "Was Sieng transferred to
11 Kirivong?" She said, "Yes. Then, there were three people: a male
12 member, my deputy was Ta Mok's younger brother-in-law and me."
13 And Danny asked: "Who?" She said: "Grandfather San, Ta Mok's
14 younger brother-in-law."
15 Later in that interview at two pages further on, she said, "I was
16 at the rear line focusing on rice cultivating while Uncle San, my
17 deputy, was in charge of Boeng district near the Vietnamese
18 territory".

19 Sir, you were Im Chaem's deputy in Kaoh Andaet; isn't that true?

20 A. No, I was not Yeay Chaem's deputy.

21 [14.35.36]

22 Q. And she is correct that you were in Boeng, near the Vietnamese
23 border; isn't that correct, isn't that true?

24 A. I went to work at Prek Lpov (phonetic), at Thung Lech
25 (phonetic) in Boeng (phonetic) district, which was located near

1 the Kampuchea and Vietnamese border.

2 Q. So she is correct about that? Now -- is that right, you were

3 in Boeng? I'll go on to another question.

4 Sir, my colleague earlier this morning read to you the statement

5 of another witness to come, 2-TCW-809, who was a Secretary in

6 District 105 before you and said that you were the Secretary of

7 District 108 in Kaoh Andaet -- that's E3/4628, my colleague read

8 this morning. But I want to go on to Leay Bour and talk about

9 what people have said about your time in Tram Kak district. In

10 D23286 - D232/86, English, 00424729; Khmer, 00418434 to 35;

11 French, 00436922; a man who said he was a brick maker in Leay

12 Bour said:

13 "Later on, I was sent to work at the district workshop near

14 District Committee Ta San in Leay Bour commune. I made bricks

15 which were taken by the Khmer Rouge to build model dining halls

16 in the cooperative."

17 [14.37.50]

18 And sir, let me read a few more before I ask for your comments so

19 you can respond to all of these.

20 Witness 2-TCW-815, document E3/4627; English, 00223473 to 4;

21 Khmer, 00163490 to 91; and French, 00651256 to 57, he was asked

22 where he was when Phnom Penh fell. He said, "I was here both

23 before it fell and after it fell. They called it District 105,

24 Sector 13, Southwest Zone. My position was Youth Chairman".

25 And then skipping down a few lines, he said, "Ta Keav was the

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1 District Secretary and female comrade, Khom, the daughter of Ta
2 Mok. Later Khom became the wife of Ta Muth". He was asked after
3 Keav and Khom, who held the position. He answered, "After '75,
4 Khom followed her husband to Kampong Som, and Ta Chim rose to
5 replace her for a short time. Later Ta Kit rose to replace him".
6 He was asked: "In the district?" He answered: "Right here at Tram
7 Kak. And later, Ta San, the younger brother-in-law of Ta Mok,
8 came to govern all the way until it fell." Question: "Do you know
9 what year Ta San came?" Answer: "Approximately 1977, but I'm not
10 clear."

11 Mr. Witness, do you know Yeay Boeun?

12 A. Yes, I know Yeay Boeun.

13 [14.40.05]

14 Q. She was in Tram Kak the same time you were; correct?

15 A. She lived in Tram Kak district while I was there.

16 Q. Document E319/12.3.2 at answer 28, she said: "The last Tram
17 Kak District Committee was Ta San. For me, I also worked at Tram
18 Kak District Committee with Ta San in October 1978 when I was in
19 charge of the women side. Ta San had been Tram Kak District
20 Committee long before me."

21 [14.40.54]

22 And then 2-TCW-948 in document E3/19.1.7 at answer 10 -- this is
23 a witness who was the chief of the Srae Ronoung commune in 1978
24 -- and in answer number 10 and answer 31, he's identified you as
25 the District Secretary and said that he reported every month to

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1 you about political work, economy, and security.

2 Do you want me to read more, Mr. Witness? Will you please tell
3 us, admit, you were the District Secretary of Tram Kak in 1977
4 and 1978? Can you save me time of reading more? Can you admit
5 that, sir?

6 A. No. I was not the District Secretary as I repeatedly told you
7 that. I dealt mainly with -- at the worksites. One dam was built
8 from Plou Lork (phonetic) to Trapeang <Andaeuk>(phonetic), which
9 was more than 10 kilometres long and another one came from
10 Mlech<, from> Sla Kou (phonetic)<. When the water gate was closed
11 at Sla Kou (phonetic), the water gate at Mlech (phonetic) was
12 opened, so that> the water <would flow> cross<> Leay Bour <to
13 Srae Ronoung, and> further down, and the length was more than 30
14 kilometres. <So, this took over a year-->

15 [14.42.45]

16 MR. KOUMJIAN:

17 Your Honour - Mr. President, could you instruct the witness to
18 answer the question only. He's giving a speech unrelated.

19 MR. PRESIDENT:

20 Thank you.

21 And, Mr. Witness, please respond briefly to the question put to
22 you and don't make any unnecessary comments or make your response
23 which is not related to the question posed to you; otherwise, it
24 just leads to many many more questions for you.

25 [14.43.26]

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1 And it is now convenient for a short break. We will take a break
2 now and return at 3 o'clock to resume our proceedings.

3 And Court officer, please assist the witness during this short
4 break and have him returned with his duty counsel at 3 o'clock
5 this afternoon.

6 The Court is now in recess.

7 (Court recesses from 1443H to 1505H)

8 MR. PRESIDENT:

9 Please be seated. The Court is now back in session and the
10 Chamber would like to give the floor to the International
11 Co-Prosecutor to continue his line of questioning. Prosecutor,
12 you may proceed.

13 MR. KOUMJIAN:

14 Sir, I'd like to tell you a bit about what's been said about you
15 in this trial in the last couple of months. I want you to listen
16 to this and then think about it.

17 [15.06.36]

18 On the 18th of February of this year, a witness testified --

19 2-TCW-807 -- at E1265.1, the time was 10.42 -- and he was

20 reminded that in his statement to the Office of the

21 Co-Investigating Judges, he had said that Ta San was a District

22 Secretary and asked when that was. He answered -- quote: "I don't

23 remember when he was becoming the district but I later heard that

24 he was District Chief."

25 Just last week, the last day we were in Court -- Thursday -- a

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1 witness who was a guard at Krang Ta Chan prison testified that --
2 at 10.54 -- he said he used to meet you when visiting his parents
3 at Leay Bour. He was asked how did he know that Ta San was a
4 District Chief and he said he heard from the villagers. And then
5 later, he was asked at 10.56: "Who told you at Krang Ta Chan that
6 Ta San became the District Chief?" He was asked who at Krang Ta
7 Chan told him and he answered it was Ta An who said that.

8 [15.08.13]

9 Finally, sir, on 27 January 2015, E1253.1, the witness was asked
10 at 10 -- excuse me -- at 14.02: "Can you give us the names of any
11 other officials at the cooperative or the level of the district?"
12 And in her answer, she said: "And the District Committee was Ta
13 San." That was at -- excuse me -- that was at 09.42. But then at
14 14.02, she explained: "Ta San -- I do not know his surname -- he
15 was the District Committee. Before Lon Nol, before Khmer Rouge
16 period, he was a teacher."

17 Mr. Witness, you've already received a letter before you testify
18 and I want to reiterate something to you. You are not here to be
19 prosecuted for what happened during the Khmer Rouge period. I'm
20 the International Co-Prosecutor. My predecessors and I have said
21 -- and my national colleague has said repeatedly -- there will be
22 no new suspects admitted to the Investigating Judges. There's no
23 chance for you to be prosecuted at this Tribunal because you're
24 not one of the suspects whose name has been submitted for
25 investigation.

1 [15.09.53]

2 But I'd also, sir, tell you that you can - I'd ask the Judges to
3 tell you that in this proceeding, you're taking an oath and
4 you're subject to a penalty for perjury and I would make a motion
5 to Your Honours under Internal Rule 36 that you please allow my
6 national colleague to read to the witness Article 545 of the
7 Cambodian Criminal Code, which sets out the penalty for false
8 testimony under oath.

9 MR. PRESIDENT:

10 <You may proceed.>

11 MS. SONG CHORVOIN:

12 Internal Rule 36 of the Internal Rules and the article I will
13 read is cited to Criminal Code of Procedure, Article 545.

14 MR. PRESIDENT:

15 <International -- National Co-Prosecutor please hold on. Counsel
16 Koppe, you may proceed >

17 [15.11.17]

18 MR. KOPPE:

19 Thank you, President. I have in front of me Rule 36 of the
20 Internal Rules and I read paragraph 1, which says: "The Chambers
21 may, on their own initiative or at the request of a Party, remind
22 a witness of their duty to tell the truth and the consequences
23 that they may result from failure to do so." So how I understand
24 this provision is you, at the request of a Party, who should
25 remind the witness to tell the truth and not one of the Parties.

1 So I, of course, have no problem if the Prosecution asks the
2 Chamber to remind the witness but that's, I think, the proper
3 proceedings.

4 MR. PRESIDENT:

5 International Co-Prosecutor, please hold on. Counsel Kong Sam
6 Onn, you may proceed.

7 [15.12.18]

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. Having heard the request for
10 instruction for this witness by the International Co-Prosecutor,
11 it seems to me that there was no relation between the situation;
12 it's a kind of threat to this witness. So, when the Co-Prosecutor
13 referred to the Internal Rule or the Criminal Code of Procedure,
14 it's something like a threat to the witness who is testifying
15 before the Court.

16 MR. KOUMJIAN:

17 Your Honour, these are absolutely solemn proceedings involving
18 issues that are -- we all agree -- extremely important. Internal
19 Rule 36 allows the Court, on the motion of the Parties, to advise
20 the witness of the consequences of not telling the truth and it
21 indicates that it can be referred to the appropriate authorities
22 of the Kingdom of Cambodia. Article 545 of the Cambodian Criminal
23 Code sets out the penalty for false testimony: two to five years
24 in prison and a fine. This witness should be advised of the
25 consequences of false testimony. It also indicates, in 545, that

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1 if the witness retracts testimony and speaks the truth before the
2 termination of the trial procedure, the penalty would not apply.
3 So, I think, given the circumstances of the testimony -- the
4 amount of contradictions between this witness and other witnesses
5 regarding his positions -- numerous other witnesses -- that it's
6 only fair to this witness that he be advised of the consequences
7 of false testimony.

8 (Judges deliberate)

9 [15.14.50]

10 MR. PRESIDENT:

11 The Trial Chamber agree to the International Co-Prosecutor and
12 the International Co-Prosecutor -- Co-Prosecutor may remind the
13 witness on this matter.

14 MS. SONG CHORVOIN:

15 Mr. Witness, as indicated by the International Co-Prosecutor,
16 especially the proceeding before the Trial Chamber, I will now
17 read to you one of the Articles in the Cambodian Criminal Code of
18 Procedure. This is applies equally to every Cambodian in the
19 Kingdom of Cambodia. I would like to read for you Article 545.

20 [15.15.47]

21 "The false testimony made after the oath before the Chamber or
22 before the judicial police who acted in the framework of rogatory
23 letters shall be punished for two to five years in prison and
24 shall be fined for 4 million riel to 10<> million riel. And the
25 witness shall be exempt from any punishment if he will -- he or

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1 she retracts his or her testimony spontaneously and only speaks
2 the truth before the decision terminating the investigating or
3 trial procedure has been made." Thank you, Mr. President.

4 MR. PRESIDENT:

5 Mr. International Co-Prosecutor, you may proceed.

6 BY MR. KOUMJIAN:

7 Q. Mr. Witness, your fellow Cambodians are in the audience
8 listening. The victims of the crimes are listening. Can you tell
9 us, were you appointed the district -- to the District Committee
10 of Tram Kak?

11 [15.17.20]

12 MR. NEANG OUCH:

13 A. I answered to you. Ta Mok, who called me from Kaoh Andaet to
14 work at Tram Kak to be the assistant to help with some activities
15 in Tram Kak. So, in Tram Kak, I was staying in Leay Bour. At that
16 time, Ta Chay was the Secretary of Tram Kak district. It was Ta
17 Chay who was Secretary of Tram Kak district and Yeay Cheat and
18 another person -- I don't recall, but I followed Ta Mok's
19 instructions to work in the dam construction, canal construction,
20 worksite, and so on. Later after that, Ta Chay was sent to
21 Battambang province and I don't know what happened to Yeay
22 Cheat<>. And the remaining were Yeay Boeun and me<,> and <the
23 person from the Sector level,> Ta Ran<, who> was <in> charge <of>
24 Tram Kak district.

25 Ta Mok did not declare that I <became> the Secretary of the

1 district, so those witnesses who said earlier<,> they may confuse
2 or <> made a mistake to refer to me as the Secretary <since Ta
3 Chay and Yeay Cheat were removed, and the remaining were Yeay
4 Boeun and me>. But, in fact, I was not officially assigned as a
5 District Secretary at all.

6 [15.19.20]

7 Q. You worked on the committee with Kit -- Ta Kit -- is that
8 correct?

9 A. At the beginning, Ta Kit was there. He was the Secretary of
10 Tram Kak district and later he went to Kandal province and then
11 Ta Chay became the Secretary of the district and Yeay Cheat,
12 including myself who was sent to help with other activities in
13 Tram Kak district.

14 Q. And you told us that in the end it was only you and Yeay Boeun
15 in the committee. Is that -- is that -- do I understand your
16 testimony correct?

17 MR. PRESIDENT:

18 Please hold on, Witness. Mr. Kong Sam Onn, you may proceed.

19 MR. KONG SAM ONN:

20 Thank you, Mr. President. I would like to object this question
21 because it is repetitive question. The witness has already
22 indicated that he was at Tram Kak as assistant and Ta Ran who was
23 from the sector who became the Secretary of that office. Thank
24 you.

25 [15.20.51]

1 MR. KOUMJIAN:

2 Well, that's a different understanding than I had, which is
3 perhaps why the question may be necessary. I recall the witness
4 saying specifically that when someone left -- Cheat -- it was he
5 and Yeay Boeun that were left. Can I clarify with the witness?

6 MR. PRESIDENT:

7 The objection by the defence counsel does not sustain.

8 Witness, please respond to the question put to you by the
9 International Co-Prosecutor because the Trial Chamber need to
10 listen to your testimony in response to this question.

11 MR. NEANG OUCH:

12 A. I was at Tram Kak district with Yeay Boeun.

13 BY MR. KOUMJIAN:

14 Q. So it was just the two of you after Cheat and Kit had left? Is
15 that right?

16 MR. NEANG OUCH:

17 A. Ta Kit left the district already.

18 [15.22.18]

19 Q. Mr. Witness, I thought you said "bat" -- you said yes before
20 the microphone went on. Is that correct? Did you say yes to the
21 question?

22 A. I responded that Ta Kit has -- had already left.

23 Q. So it was you and Yeay Boeun that were left alone at the
24 committee; is that correct? Yes or no?

25 A. I was there with Yeay Boeun at the district and Ta Ran was

1 from the sector who came and took charge over the district.

2 Q. What was your position at that time?

3 A. No one had ever announced my position <at that time>.

4 Q. Did you carry out the work of the District Committee and
5 report to Sector 13?

6 A. I reported to Ta Ran and Yeay Boeun was also reporting to Ta
7 Ran. <What did you ask me about my duties? What kind of duties?>
8 [15.24.29]

9 Q. Ran was the Sector 13 Committee Chief; correct?

10 MR. PRESIDENT:

11 International Co-Prosecutor, could you please ask the question
12 again?

13 BY MR. KOUMJIAN:

14 Ran, you told us earlier, was the Sector 13 Committee Chief; is
15 that correct?

16 MR. NEANG OUCH:

17 A. I don't know whether he was the Secretary or the Deputy or the
18 <member>, but I saw <> only him<. He was in charge of> Sector
19 <13> and he was <also> assigned <> to take charge of Tram Kak
20 district.

21 Q. The commune chiefs sent their reports to you -- the commune
22 chiefs from District 105; correct? After the others left -- Kit
23 and others left -- and it was you and Yeay Boeun, the commune
24 chiefs reported to you; correct?

25 A. I did not receive any report but we would meet at the District

1 Office.

2 [15.26.34]

3 Q. Now, I'll move on and I'd ask to show you some documents and
4 the first one is E32424, specific --

5 MR. PRESIDENT:

6 Your request is granted, Co-Prosecutor.

7 MR. KOUMJIAN:

8 If we could show on the screen -- in English it is 00322149, and
9 it is the right hand section of the Khmer ERN 00271029.

10 Perhaps again, to clarify, the ERN I have for Khmer is 00271028
11 to 29. The portion I'm interested in is on 29, on the right hand
12 side.

13 [15.28.24]

14 MR. PRESIDENT:

15 Please look at the ERN on the document. Is it correct? E/2424
16 (phonetic), is this the correct document?

17 THE INTERPRETER:

18 Correction, Interpreter: E3/2444.

19 MR. KOUMJIAN:

20 Correct.

21 Sir, there's a note on the right hand -- it's on the left side of
22 the page that has the ERN 00271028. It's on the right side of the
23 page with the next ERN 00271029. It says:

24 "To my beloved comrade An (for your information).

25 I would like the comrade brother to communicate and take this

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1 person to Srae Ronaung commune and question him to clarify for
2 his network to find out to whom he was with when he was in Srae
3 Ronaung for three months. And also who else were in his enemy
4 network. Then, send me his answer. Signed: San"

5 Do you recognise this document?

6 [15.30.20]

7 MR. PRESIDENT:

8 Counsel Kong Sam Onn, you can proceed.

9 MR. KONG SAM ONN:

10 Thank you, Mr. President. I'd like Mr. President to instruct the
11 Prosecution to clarify the document number because in document
12 E3/2424 there is nothing to the effect as stated by the
13 Co-Prosecutor.

14 MR. KOUMJIAN:

15 The document I have is E3/2444. The ERN in English is 00322149,
16 and it indicates, on that page, that it's a translation of ERN
17 00271028 to 29. This is a note that apparently was -- according
18 to the note -- it's on the right hand section of the Khmer, ERN
19 00271029.

20 [15.31.33]

21 BY MR. KOUMJIAN:

22 Q. Sir, I don't expect you to remember everything that happened
23 almost 40 years ago.

24 Do you recognise -- is that a document that you sent? A note that
25 you wrote?

1 MR. NEANG OUCH:

2 A. The only thing I can see in this document is Khun (phonetic)

3 and then on this page there is another person by the name of Khun

4 (phonetic). That is all I can see.

5 MR. KOUMJIAN:

6 I'll let my national colleague explain.

7 MS. SONG CHORVOIN:

8 Mr. Witness, you have a document in your hand. Is it E3/2444? If

9 so, at ERN <in Khmer> with <four> ending number 1029 and to the

10 right of that document there is a black part, it's a bit darker

11 and that is what has been read out in English by the

12 International Co-Prosecutor. Do you see it on the document that

13 you have in your hand?

14 MR. NEANG OUCH:

15 It is unclear to me as it is a little bit too dark to read out.

16 [15.33.25]

17 MS. SONG CHORVOIN:

18 Allow me to read it once again to you. And let me have a direct

19 quote:

20 "To beloved comrade An:

21 I would like the comrade to communicate and take this person in

22 Srae Ron<ou>ng commune and question him to clarify for his

23 network to find out <> who<> he was with when he was in <Khmar

24 Tey village, Angk Ta Saom commune> for three months. And also who

25 else were in his enemy network. Then, send me his answer."

1 Signature: "San 2/2."

2 BY MR. KOUMJIAN:

3 Q. So, do you recognise this as a note you wrote?

4 MR. NEANG OUCH:

5 A. No, I do not recognise this handwriting.

6 [15.35.08]

7 MR. KOUMJIAN:

8 I'd like to give the witness E3/2453; in English, the page with

9 the ERN 00388577; and in Khmer, ERN 002707773; and the next page,

10 74. The document number again is E3/2453.

11 May I have the document given to the witness?

12 MR. PRESIDENT:

13 Yes, you may.

14 BY MR. KOUMJIAN:

15 Q. Do you have the page that ends in 773 and 774? There is a note

16 that says:

17 "Brother Kit, be advised.

18 As for Phuong Phalla and Pen Aun, I have decided to have Comrade

19 Brother Chaom send them to the District 105 Police." Signed:

20 "San". And it appears to be dated 18 October. The date just above

21 it is 18 October, '77, in the note above it.

22 First of all, Mr. Witness, you know Chaom (phonetic); is that

23 correct? He was the chief of the Angk Ta Saom commune, is that

24 right?

25 MR. NEANG OUCH:

1 A. Yes, I knew him. He was the Angk Ta Saom commune chief.

2 [15.38.28]

3 Q. Well, did you send Kit? Before Kit left Tram Kak, did you send
4 Kit this note regarding two individuals and asking that Brother
5 Chaom (phonetic) send them to the District 105 Police?

6 A. I cannot recall it. I forget it all.

7 Q. In October 1977, Kit was still on the committee in Tram Kak;
8 correct? This was only about four months after you arrived. You
9 arrived in June. In October, Kit was still on the committee in
10 Tram Kak; is that correct, Mr. Witness?

11 A. When I arrived at Tram Kak, Ta Kit was still the District
12 Secretary.

13 [15.39.48]

14 MR. KOUMJIAN:

15 So, I'd like to go now to another document that's at the --
16 another page of the same document that's at the end, the very end
17 of that document, 2453 -- E3/2453, the very last pages. If those
18 can be given to the witness? Your Honour, may this be passed to
19 the witness?

20 MR. PRESIDENT:

21 Yes, you can do that.

22 BY MR. KOUMJIAN:

23 Q. You will see on the first of these pages, it's a report.
24 Beginning, it says, "Wish to respectfully report to the District
25 base area party as follows: 1. Enemy situations." I'm not going

1 to read it all, but it ends saying, "May the Party be informed
2 about the four of them" and lists four individuals "and provide
3 us information on whatever the Party decides." The four
4 individuals were listed as a pilot, a secretary of a war material
5 warehouse, a military police chief and a corporal. And then, at
6 the very end, we see a note:
7 "To comrade Brother Kit: I have decided that these four persons
8 should be arrested." Signed: "San."
9 Did you write that note to Kit? Again, the 18 of October 1977.
10 MR. NEANG OUCH:
11 A. I found that portion that you read out, but I cannot recall
12 it.
13 [15.42.28]
14 MR. KOUMJIAN:
15 Let me keep moving, because we're running out of time. So, I'll
16 go to another document E32785 -- E3/2785. I'm interested in what
17 appears at English, ERN 00322192. May that be given to the
18 witness, please?
19 MR. PRESIDENT:
20 Mr. International Co-Prosecutor, could you please give the ERN
21 again, and please do it in the three official languages.
22 MR. KOUMJIAN:
23 In English, I have it's at 00322192 to 193; in Khmer, 000791914
24 and 15; and in French, 00753636 -- 00753636.
25 [15.44.01]

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 Duty Counsel, please put aside the previous documents and please
4 review the document that has just been delivered by the Court
5 officer.

6 BY MR KOUMJIAN:

7 Q. Just to be clear, I'm interested in the second page of the two
8 I gave, so in English, ending in 93; ending in Khmer 15, the very
9 end of this. There is a note that reads:

10 "To you comrade Brother An, please be informed.

11 The above-mentioned persons were (trying) to escape to Yuon
12 (Vietnam) along with other previous contemptible (arrestees).

13 Dated: 7-3 San."

14 Sir, did you write this note?

15 [15.45.41]

16 MR. NEANG OUCH

17 A. Regarding this note which was written on the 7th of March, if
18 you look at the handwriting, it is not my handwriting.

19 Q. So what is not your handwriting? How about the signature at
20 the very end, "San", is that your handwriting?

21 A. The signature that is in the form of a name is my name.
22 However, the handwriting is not my handwriting, as I just stated.

23 MR. KOUMJIAN:

24 Mr. Witness, I'll show you another document, and that is E3/2423.

25 Your Honour, I have several documents. May I have permission to

1 keep handing these to the witness so that he may view them before

2 I ask any questions?

3 [15.46.56]

4 MR. PRESIDENT:

5 Yes, in fact, you can give the documents in batch, but you need

6 to give all the references -- that is, the ERN numbers in all

7 three official languages before you deliver them.

8 MR. KOUMJIAN:

9 Thank you. I think, with Your Honour's permission, I think I'll

10 deliver them one by one, because otherwise it may confuse me or

11 the witness. So, this one is E3/2423. At Khmer, the ERN is

12 00079128; in French, it's 00611732; and in English, it's

13 00322210; and the document reads:

14 "1. Interrogate the contemptible Hul, Second Lieutenant, and ask

15 him to find out his network. When he fled to Phnom Chruos Chrey

16 (Chruos Chrey Mountain), whether he had his network in Chamkar

17 Sieng or not? What are their names?

18 2. Concerning the name Sean, who was sent there yesterday, I

19 would like to also ask Comrade elder brother to interrogate to

20 find out his network of assignment, and ask him who else has been

21 assigned?

22 What will be the activities?

23 Elder brother, please, inquire about everything with them. San"

24 Do you recognize this note?

25 [15.49.40]

1 While you're reading that, I'd just advise Your Honours that
2 there is -- Mr. Witness, I'll also advise you that there's
3 another document in this case, a notebook, E3/4083, that has a
4 prisoner list with --

5 MR. PRESIDENT:

6 The International Co-Prosecutor, the witness has not yet
7 responded to your <last> question. But, in fact, he responded,
8 but the microphone was not yet operational.

9 And, Mr. Witness, please respond to the last question asked by
10 the Co-Prosecutor, if you recall it. Otherwise, you may request
11 the question be put to you again.

12 [15.50.34]

13 MR. NEANG OUCH:

14 A. Yes, I can recall the question -- whether I recognize the
15 handwriting, and I replied that it was not my handwriting.

16 MR. KOUMJIAN:

17 Sir, time is running out today. I'm going to show you today one
18 more document, E3/4093. In English, it's 00831486; in Khmer,
19 00279786 and 87. The document number again is E3/4093, and the
20 French - French, ERN is 00729674.

21 May I have the copy given to the witness, please?

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 [15.52.12]

25 BY MR. KOUMJIAN:

1 Q. Sir, first, let's look at the signature. That's your signature
2 just above the date, 7 August, correct?

3 MR. NEANG OUCH:

4 A. The name is my name, but the handwriting is not mine.

5 Q. Sir, was there any other San in District 105 in 1977, 1978, in
6 the District Committee offices?

7 A. Please, put the question again.

8 Q. You were the only San in the Tram Kak District Committee
9 offices, correct?

10 <THE INTERPRETER:

11 Mr. President, the French interpreter did not hear the first
12 sentence because the conversation was too fast - French booth.>

13 MR. PRESIDENT:

14 Mr. International Co-Prosecutor, please do not rush your
15 questions, because the French channel is not fully complete.

16 [15.54.10]

17 BY MR. KOUMJIAN:

18 Thank you. At the end of the day, I think I am rushing. I'll slow
19 down.

20 Q. Sir, you were the only San, person with the name San in the
21 Tram Kak District Committee offices. Is that true or is there
22 some other San that no one has ever mentioned?

23 MR. NEANG OUCH:

24 A. In the district, there was myself San; however, there were
25 also other men by the name of San at the commune, but I'm not

1 sure, because they were older than me, so probably they have all
2 died.

3 Q. There was no other San working in the District Committee or
4 with the District Committee, was there?

5 A. As for other men with the name of San, they were not part of
6 the District Committee, they were at the commune level.

7 [15.55.31]

8 Q. This note is addressed to Beloved Comrade Chhoeun. Who was
9 Chhoeun?

10 A. Chhoeun was Chief of the District Office. And at that time, he
11 was much older than me.

12 Q. Who was Ming (phonetic), Comrade Ming (phonetic)?

13 <A. I did not see the name, Meng.>

14 <Q. >Mr. Witness, do you remember a Ming (phonetic) who ran a
15 prison near Angk Roka? Ming (phonetic).

16 A. No, I cannot recall that.

17 Q. Let me read this note and see if you can explain this note to
18 us:

19 "Beloved Comrade Chhoeun,

20 With regard to prisoners from Cheang Tong commune, request to
21 send any children that cannot be separated from their mothers.

22 Any bigger children that have already gone to the mobile units or
23 children's units, [request to] let them stay there and take just
24 the mothers. But if children cannot be separated from their
25 mothers, [request to] bring them in for interrogation, and after

1 everything is finished, sweep them all clean.

2 As for the widows from Trapeang Thom Khang Cheung who are

3 currently staying at the place of Comrade Meng (phonetic),

4 request to sweep them all clean."

5 Sir, you were a teacher, an educated man, working in the District

6 Office. What do the words "sweep them all clean" mean?

7 A. I cannot provide you with an explanation.

8 [15.58.44]

9 Q. What does that mean? You can't explain why this crime was

10 committed or you can't explain what the words "sweep them all

11 clean" mean? "Sweep them all clean", Mr. Witness, do you know, is

12 it correct, means to kill? It was understood during the DK regime

13 that those words were equivalent of to kill. Do you agree with me

14 or not?

15 Do you want to speak to your lawyer? Do you need time to speak to

16 your lawyer? Perhaps you could speak to him overnight. This might

17 be an appropriate time to break then.

18 Do you want to answer the question or do you want to speak to

19 your lawyer?

20 A. I'd like to consult with my counsel.

21 [16.00.13]

22 MR. KOUMJIAN:

23 Your Honour, this would be probably an appropriate time to break

24 for the day.

25 MR. PRESIDENT:

1 Will you be able to consult with your duty counsel now, Mr.
2 Witness, or you need additional time to consult with your lawyer?
3 MR. NEANG OUCH:
4 I need more time to consult with my duty counsel, and I wish to
5 respond to that question tomorrow.
6 MR. PRESIDENT:
7 Thank you. We now come to the end of today's proceedings and we
8 will resume tomorrow morning -- that is, 10th of March 2015,
9 commencing from 9 o'clock in the morning. And again, tomorrow the
10 Chamber will continue to hear the testimony of witness Neang
11 Ouch. This information is for the relevant parties and for the
12 public.
13 [16.01.34]
14 And Mr. Neang Ouch, the Chamber thanks you for your testimony;
15 however, it has not yet concluded, and for that reason, you are
16 invited to return to the Chamber tomorrow morning.
17 And Court officer, please make an arrangement with WESU for the
18 transportation of Neang Ouch to his residence and invite him to
19 return to the courtroom tomorrow morning before 9 o'clock.
20 Likewise, the duty counsel<, Mr. Moeurn Sovann> is also invited
21 by the Chamber tomorrow morning for your consultation during the
22 testimony of your client.
23 And security personnel, you are instructed to take the two
24 Accused back to the detention facility and have them returned to
25 the courtroom prior to 9 o'clock tomorrow.

1 The Court is now adjourned.
(Court adjourns at 1602H)

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