



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

10 March 2015

Trial Day 255

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

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KHIEU Samphan

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Trial Chamber Greffiers/Legal Officers:
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LOR Chunthy
VEN Pov

For Court Management Section:
SOUR Sotheavy
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I N D E X

Mr. NEANG Ouch alias Ta San (2-TCW-803)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. NEANG Ouch (2-TCW-803)	Khmer
The President (NIL Nonn)	Khmer
Ms. SONG Chorvoin	Khmer

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1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue to hear the testimony of the

6 witness, Mr. Neang Ouch. And the Greffier, <Ms. Chea Sivhoang,>

7 could you report the attendance of the Parties and individuals to

8 today's proceedings?

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all Parties to this case

11 are present. As for Nuon Chea, he is present in the holding cell

12 downstairs, as he requests to waive his right to be present in

13 the courtroom. His waiver has been delivered to the Greffier. The

14 witness who is to continue his testimony today -- that is, Mr.

15 Neang Ouch, is present with Mr. Moeurn Sovann, his duty counsel.

16 There is a reserve witness, 2-TCW-948. Thank you, Mr. President.

17 MR. PRESIDENT:

18 Thank you, Ms. Chea Sivhoang. And before I hand the floor to the

19 Parties to put questions to this witness, the Chamber now decides

20 on the request by Nuon Chea. The Chamber has received a waiver

21 from Nuon Chea, dated 10 March 2015. He confirms that, due to his

22 poor health condition -- that is, headache, back pain, and that

23 he cannot sit for long, and in order to effectively participate

24 in the future hearings, he requests to waive his right to

25 participate in and be present at the 10 March 2015, hearing. He

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

5 [09.06.45]

6 Having seen the medical report by the duty doctor for the Accused
7 Nuon Chea, at the ECCC, dated 10 March 2015, the doctor notes
8 that the health condition of Nuon Chea is that he has chronic
9 back pain and that he cannot sit for long, and recommends that
10 the Chamber shall grant him his request, so that he can follow
11 the proceedings remotely from a holding cell downstairs. Based on
12 the above information, and pursuant to Rule 81.5 of the ECCC
13 Internal Rules, the Chamber grants Nuon Chea's request to follow
14 the proceedings remotely from a holding cell downstairs by an
15 audio-visual means for today's proceedings, as he waives his
16 direct presence in the courtroom.

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

20 [09.07.54]

21 I'd like now to hand the floor to the Parties to put the
22 questions to the witness. Yesterday, the witness did not respond
23 to the last question posed by the International Co-Prosecutor.
24 And Mr. Witness, do you recall the question that you were asked
25 yesterday? Because yesterday, you did not respond, as you

1 requested to take consultation with your duty counsel. You may
2 speak now, Mr. Witness.

3 MR. NEANG OUCH:

4 Mr. Co-Prosecutor, could you please ask me the last question that
5 you asked yesterday?

6 QUESTIONING BY MR. KOUMJIAN RESUMES:

7 Q. Certainly. When you asked to speak to your counsel, I had
8 asked you about this document we were discussing, document
9 E3/4093, where it indicates that children that cannot be
10 separated from their mothers, bring them in and then when
11 finished, sweep them all clean. And the widows, sweep them all
12 clean. I'd asked you about that expression, 'sweep them all
13 clean'. During the DK period, did that mean executions?

14 [09.09.52]

15 MR. NEANG OUCH:

16 A. The document that you referred to is E3/4093. Is that correct,
17 Mr. Co-Prosecutor?

18 Q. That is correct, Mr. Witness.

19 And again, just so there's no question, I'll read to you again
20 the two references to 'sweeping them all clean'. In the first
21 paragraph, it ends: "But if children cannot be separated from
22 their mothers, bring them in for interrogation, and after
23 everything is finished, to sweep them all clean." And the next
24 paragraph: "As for the widows from Trapeang Thum Khang Cheung,
25 who are currently staying at the place of Comrade Meng, request

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1 to sweep them all clean." 'Sweep them all clean' meant 'to
2 execute'. Is that correct?

3 [09.10.50]

4 A. I'd like to clarify that, to clarify the following. First of
5 all, as an assistant to the district committee, and Ta Ran, who
6 was at the <sector> level, and who supervised Tram Kak district,
7 before I carried out any task, I had to seek approval from Ta Ran
8 first. So, all the decisions were the decisions of Ta Ran, and
9 what I did was merely to write the decisions made by Ta Ran. And
10 yes, 'to sweep somebody clean', it means to execute that person.
11 So, once again, I reiterate that all the decisions were made by
12 Ta Ran, who was chairman of Sector 13, and Tram Kak district was
13 one of the districts under the supervision of this sector.

14 Q. Was it the policy during the DK period that any order to
15 execute had to be approved at the sector level?

16 A. The sector actually made a further request to the zone. <So,
17 Ta Ran was close to Ta Bet (phonetic) who was at the Zone level.>
18 Once there was a decision from the zone and the sector, then in
19 my capacity as an assistant at the district level, I wrote down
20 that decision.

21 [09.13.01]

22 Q. Thank you. So, in the DK period, who set the policies that
23 defined who the enemies were? Who defined enemies?

24 A. In the <occasional> study sessions at the zone level, the zone
25 would make presentations about this policy.

1 Q. When you were in Tram Kak, do you remember Chim or Kit or both
2 of them, attending study sessions in Phnom Penh?

3 A. I recall the name Chim. As for Kit, and Keut (phonetic), can
4 you specify which name you refer to? The name Kit does not ring a
5 bell. But there was Keut (phonetic). And this person, Keut
6 (phonetic), actually attended study sessions in Phnom Penh.
7 [09.14.25]

8 Q. Thank you. That's who I meant, Keut (phonetic), who you had
9 told us earlier had been on the District 105 committee. Correct?
10 The same person, Keut (phonetic)? The one who went to study in
11 Phnom Penh was Keut (phonetic), who was on the District 105
12 committee? Is that correct? Do I understand you?

13 A. Keut (phonetic), who attended study sessions in Phnom Penh,
14 was a district secretary of District 105.

15 Q. Now, when you were working in District 105, did anyone ever,
16 from the Party, from the sector, from the zone, criticize your
17 work or tell you that you were not following the policies of the
18 Party?

19 A. There <used to be> a criticism <> during meetings held at the
20 zone level. <In that meeting, they talked about the struggling,
21 revolutionary commitment,> and I was criticized during that
22 meeting.

23 Q. What were you criticized for? Can you explain that a bit? Were
24 you criticized for not being tough enough on the enemies? For
25 being too easy on enemies?

1 A. That is correct. I was criticized for the matter that you just
2 mentioned.

3 Q. Well, I don't want to use my words. Use your words. Please
4 explain. What were you criticized for?

5 A. I cannot recall the details, but in your question whether I
6 was criticized or not, in fact I was criticized for not being
7 tough enough, <not vehement enough against> the enemy. However, I
8 must tell you I cannot recall the details of that criticism.

9 [09.17.19]

10 Q. Thank you. Related to this document that we just looked at,
11 you also talked about, you were mistrusted, partly because your
12 family was in Phnom Penh during the Lon Nol period. Have you ever
13 heard this expression during the DK period, something like 'Weed
14 out the enemies, roots and all'?

15 A. No, I did not hear that expression.

16 Q. Were people -- sorry--

17 A. I was also a victim of the regime, as my elder brother
18 disappeared. My <mother>, my younger sister and my elder brother
19 and <the entire> family <just> left Phnom Penh on 17 April 1975.

20 [09.18.35]

21 Q. Thank you. That's the point I'm asking you about. Were people
22 suspected simply because of their family? For example, were
23 children targeted because their parents were suspected of not
24 being loyal to the regime?

25 A. I cannot say for certainty about the understanding of the

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1 Party. However, personally, that was my understanding. <All> my
2 relatives <> had to leave Phnom Penh on that day.

3 Q. Did you ever hear an expression during the DK period,
4 something like, 'Better to kill by mistake than release by
5 mistake'?

6 A. No, I did not.

7 Q. Mr. Witness, my time is almost - is up, but I would like just
8 to ask you to look at one photograph. It was something that the
9 Chamber put us on notice of using. It's E3/2415. 00504237. And
10 perhaps it could be shown on the screen, if that's possible. If I
11 could, Mr. President, if I could have the witness get a copy of
12 that photograph. Again, it's ERN 00504237. Mr. President, may I
13 have the witness be given a hard copy?

14 MR. PRESIDENT:

15 Yes, you can do that. And Mr. Co-Prosecutor, can you tell the
16 Chamber, the ERN that you just read out, is it for the French,
17 the English or the Khmer document?

18 [09.21.01]

19 BY MR. KOUMJIAN:

20 It's - I believe it's only in English. This is the book about the
21 Swedish journalist's visit. Bergstrom book. There's no text. The
22 only text says, "Leaders of Cooperative".

23 Q. So, I'm just asking. Can you help us? Do you recognize anyone
24 in the photograph?

25 (Short pause)

1 [09.22.09]

2 MR. NEANG OUCH:

3 A. I recognize some people in the photo. The one that was
4 standing <in> the house <was me>, the <one in white T-shirt was
5 the Swedish delegate, that> was the Swedish journalist.

6 [09.22.36]

7 Q. Thank you. Do you recognize the tall man on the left of the
8 photograph? Is that the former North Korean ambassador? The DK
9 ambassador to North Korea?

10 MR. KOPPE:

11 Well, that's a very leading question, isn't it? Could you just
12 ask the question who it is?

13 MR. KOUMJIAN:

14 Your Honour, I'm happy to end right now. Your Honours, I turn the
15 questioning over to the civil parties. Thank you.

16 MR. PRESIDENT:

17 Thank you. The Co-Lawyers for the civil parties, you have the
18 floor.

19 QUESTIONING BY MS. GUIRAUD:

20 Thank you, Mr. President. Good morning, everyone. Good morning,
21 Witness. Ordinarily, Mr. President, we should have an entire
22 session. I'll try to be brief, but may I request the Chamber to
23 be flexible in the event of my not being able to complete my
24 questions in the time <that I have been allotted>. Witness, good
25 morning. I am Marie Guiraud. I am Counsel for the consolidated

1 group of civil parties <and> I have a few questions for you.

2 [09.24.03]

3 Q. I would like to start with your role in Tram Kak cooperative
4 from the time when you arrived there. Yesterday you told the
5 Chamber that you played a technical role, and that you were in
6 the rice fields <-- the rice paddies and that you> worked <at
7 worksites> building canals. I would like to <therefore put a
8 number of questions to you so you may> explain to us <the>
9 working conditions and living conditions of workers you <met, be
10 it those you met in the rice fields or those that you met on> the
11 canal construction sites. My first question to you is as follows,
12 Witness. When you arrived in Tram Kak and you <went to> those
13 work sites, what were the living conditions and working
14 conditions of those workers?

15 [09.25.09]

16 MR. NEANG OUCH:

17 A. As for the working conditions for the mobile <youth> units, <>
18 they started working in the morning, from <6.00> to 11.00, and in
19 the afternoon it was from 1.00 to 5.00. As for the food, they had
20 a meal in the morning, and a <full> lunch, <> and then a <full>
21 dinner. And if <a mobile worker> fell ill, we <> had medics
22 stationed at the worksite to assist in the treatment.

23 Q. Thank you, Witness. You made mention of mobile units. <I would
24 like to know> how many mobile units were <you responsible for>?
25 Can you give us the number of workers on those sites?

10

1 A. As to the number of workers in the mobile units, I cannot
2 recall that. However, <all communes in> Tram Kak district had a
3 male youth mobile unit and a female youth mobile unit. And each
4 <district mobile> unit was headed by a chief, for both, for the
5 male youth unit and the female youth mobile unit. As for me, I
6 <went there to> discuss about the work arrangements with unit <>
7 chiefs, and also with <> those chiefs at the commune level. We
8 usually held meetings to discuss the work plan and progress.

9 Q. Thank you. <Could> workers <possibly> refuse to go to work? <>

10 A. I never heard that anyone refused to go to work. However, if
11 one fell ill, that person would be allowed to rest at a shelter
12 or at a building adjacent to the work site.

13 [09.28.09]

14 Q. Thank you, Witness. When you were on those worksites, did you
15 see any workers who appeared to be malnourished?

16 A. No, I did not see that. Workers in the mobile units who <were>
17 from the communes, they received food supplied from their
18 respective communes. And if they ran out of food, then they would
19 send people to go and fetch those food supplies from the
20 communes.

21 Q. Thank you. <We heard a little earlier -- last month> a witness
22 who appeared before the Chamber to testify. His name was Sao Han.
23 He worked at Tram Kak cooperative. And I would like to read out
24 to you what he said<, the testimony he gave before the Chamber,
25 regarding Tram Kak so as to have you react to it.> That testimony

11

1 was E1/265.1 at about 9.40.26 seconds in the morning. He was
2 being questioned by the Prosecutor, who asked this question:
3 "Witness, how <was your> health affected by the food rations? <In
4 what state of health were the workers with whom you were in
5 contact>?" And he answered by saying: "We did not receive enough
6 food and meals, <we grew> weak <as a result>. Some <people's
7 bodies <were swollen, some had to go> to the hospital, and some
8 disappeared. <I don't know what happened to them."
9 What is your reaction> to this testimony, Witness, in which we
10 gather that workers at Tram Kak cooperative did not have enough
11 to eat?

12 [09.30.45]

13 A. I do not know <what period that witness referred to in
14 relation to> a shortage of food <>. I could say that, by '77,
15 when I was there, <> the food ration for people was sufficient.

16 Q. Thank you. We also heard the testimony of another person who
17 was working on the worksite in Tram Kak cooperative when you were
18 there as well. This is Ms. Chou Koemlan. She was heard on the
19 26th of January, by the Chamber, and I would like to read to you
20 what she said regarding access to food in Tram Kak cooperative. I
21 will read an excerpt from the transcript E1/252. This is at
22 <11.50.02> in the morning <and the> question was put to the civil
23 party with regard to the food, and with regard to the collective
24 meals. And this is what Chou Koemlan said to the Chamber. "With
25 regard to common meals, we would work tooth and nail in the rice

12

1 paddies. The fields were green, very green. Sometimes they
2 <appeared> golden. We <could have> a spoonful of rice, <of soup,
3 of> corn soup, but we could say nothing. If we were still hungry,
4 we could not say so. If, unfortunately, we <let it slip that> we
5 were still hungry, we could be executed for that, or we could be
6 <sent> to a study session."

7 [09.32.45]

8 <> I wanted to know, Witness, you who <were> present at the work
9 sites and in the rice paddies in Tram Kak cooperative, <did you
10 ever see> or hear workers complain about the lack of food? And if
11 yes, what <happened> to them?

12 A. As for food rations, actually the chief of the commune
13 arranged <enough> food <for> the halls that we were eating.
14 Actually, the chiefs perhaps, they did not coordinate well. <>
15 For this reason, <some kitchen halls did not have> enough food
16 for <> people to eat. <However, complaining was not considered
17 guilty.>

18 [09.34.03]

19 Q. Thank you. <When you say -- and>, I'm going to <repeat what
20 was said to me exactly as I heard it> in French, <concerning the>
21 coordination between the chiefs <, how it was> not optimal <and
22 that that was> why there <was a food shortage. Can> you explain
23 to the Chamber what you mean by 'the coordination among leaders
24 was not optimal'? Can you tell the Chamber how the food was
25 distributed in the commune, or in the district?

1 A. Actually, there was no distribution of food supplies in the
2 communes or in the districts. In the communes <>, they grew their
3 own rice, they raised their own livestock to support their
4 respective communes and <cooperatives>. In some cooperatives, as
5 I said, the head of the cooperative could <manage> enough food
6 for workers to eat, but some heads of cooperatives could not cope
7 with the food supply, food rations, so as I claimed, food ration
8 was not 100 percent <enough> all cooperatives.

9 Q. And when the food rations were not provided to all
10 cooperatives, was there a system at the higher level to allow the
11 cooperatives to <sufficiently> feed the workers?

12 A. Yes. The district <> committee could get some food rations
13 from some cooperatives to help and provide to other cooperatives.
14 <They took food rations from communes with high yield to fill a
15 commune> which did not have enough food for workers. <They helped
16 one another in time of need.>

17 Q. How did you obtain that information? Did you attend district
18 meetings during which this issue of distributing food was
19 discussed?

20 [09.37.06]

21 A. I was an <district> assistant, so I <participated> in the
22 meetings, and there was such <actual> discussion as I said
23 <earlier>.

24 Q. Thank you. <Precisely> during these meetings, which you <say
25 you> attended as an assistant, <were> the rice production quotas

14

1 <discussed>?

2 A. There was <also> a report on rice production <for Angkar in
3 the meeting>. The report was about how many tonnes one village
4 could produce. So, there was a report on rice production.

5 Q. Was there an objective <assigned> in terms of numbers of
6 tonnes per hectare<, as well as> per year?

7 [09.38.20]

8 A. There was propaganda <> for people to produce three tonnes per
9 hectare. Some areas could achieve such a quota <while> some area
10 was not able to achieve such a quota.

11 Q. Thank you. You said yesterday that you <yourself> were a rice
12 farmer, <during the dry season you specified>. So, according to
13 you, and given your expertise as a farmer, do you believe that
14 this goal was realistic at Tram Kak cooperative?

15 MR. PRESIDENT:

16 Please hold on, Mr. Witness. You may proceed, Victor Koppe.

17 MR. KOPPE:

18 Thank you, Mr. President. I object again to this line of
19 questioning. The fact that the witness has said that he has a
20 background as a rice farmer doesn't necessarily make him an
21 expert or able to give an opinion as to the possibility that this
22 is a realistic goal, yes or no. There's many -- there are many
23 factors to take into consideration whether such a thing --
24 whether such a quota is in fact reasonable or not. So, asking him
25 on the basis of him being a rice farmer will not be helpful, and

15

1 is basically asking an opinion of expertise which he doesn't
2 have, despite the fact that he was himself a rice farmer.

3 [09.40.09]

4 MS. GUIRAUD:

5 <I would like to respond to that,> Mr. President<, since> our
6 colleague Koppe already made this objection a few weeks ago when
7 Sao Han was present here, and the Prosecutor <> put <> a question
8 <to him>, and our colleague made the same objection. It was
9 overruled, and you considered that since Sao Han back then had
10 been a farmer, <it> was enough for him to provide an <authorised>
11 opinion <to the Chamber> with regard to <whether or not, as far
12 as he was concerned,> the quota was realistic <>. So, I <request
13 that you simply uphold the decision you took during Sao Han's
14 testimony>, and to allow the witness to answer, based on his
15 experience as a farmer.

16 MR. PRESIDENT:

17 The objection of the defence team for Mr. Nuon Chea is overruled
18 in relation to the last question put by International Lead
19 Co-Lawyer. Mr. Witness, you are instructed to give your response
20 to the last question put by the International Lead Co-Lawyer. The
21 Chamber needs to hear your testimony.

22 [09.41.29]

23 MR. NEANG OUCH:

24 A. In Tram Kak district, there was a <plan> in relation to dry
25 season rice farming in Boeng Angkor Borei. And there was also a

16

1 plan in relation to rice farming in <all communes> of Tram Kak
2 district. So, the <three-tonne quota> was achieved at Veal Boeng,
3 <Kampong Yol, (phonetic)> Kampong Ampil, <Boeng> Angkor Borei
4 (phonetic). And as for the Tram Kak district <town>, some areas
5 could achieve three tonnes per hectare, for example at Boeng Srae
6 Nonoung (phonetic) at the <east of the> intersection<,> Bai Kus
7 (phonetic) streets. As for Cheang Tong commune, from Angk Ta Saom
8 to Trapeang Andaek (phonetic), three tonnes were achieved.
9 However, in some other areas, the plan or goal was not achieved
10 in relation to the three tonnes per hectare. In Leay Bour, we
11 could achieve a three tonnes goal. The area from the west of
12 Takeo provincial town to <the east of> Angk Ta Saom -- that is,
13 the irrigation 68 area, could achieve three tonnes per hectare.
14 [09.43.30]

15 BY MS. GUIRAUD:

16 Q. What would happen when the communes or cooperatives would not
17 reach the goal that was set?

18 A. There was nothing happening.

19 Q. So, <what was the point in setting these goals then>, if
20 nothing would happen when <they> were not met?

21 A. In some areas, <the> goal was reached. <> But in some
22 cooperatives or in some communes, because the soil was not so
23 fertile, we could not achieve the goal <though> we <> used the
24 fertilizer. <With such effort,> the goal <could> not <be>
25 reached<.>, There was no <such demand to> achieve 100% objective,

17

1 <as a result,> there was no punishment.

2 Q. Thank you. And you said earlier on today that at times <there
3 would be food shortages>, and I wanted to know if you had
4 experienced <the following first hand> when you were at Tram Kak,
5 <did you ever see> people who stole food in order to feed
6 themselves?

7 [09.45.31]

8 A. I never encountered such incidents.

9 Q. Thank you. I would like you to react to the interview of a
10 lady <who> you said you knew <yesterday> and with whom you worked
11 <together with in> the district, Madame Boeun (phonetic). And I
12 would like to read out what she stated with regard to the theft
13 of food in the interview she gave to the investigating judge. And
14 this is document E319/12.3.2.

15 MR. PRESIDENT:

16 You may proceed, Counsel <Kong Sam Onn>.

17 [09.46.43]

18 MR. KONG SAM ONN:

19 I do not have any objection. However, I would like to draw the
20 Chamber's attention concerning the reference of name concerning
21 <this> witness, because <this> witness <is in a separate case
22 and> the request for protective measures <was> granted. We need
23 to be mindful of this.

24 MS. GUIRAUD:

25 <I'm speaking under the watchful eyes of the Chamber's and of the

18

1 Parties but it> doesn't seem to me that this person made any
2 specific <request -- any specific> protection request. This
3 person's name was <mentioned> in open <court> by the <Office of
4 the Co-Prosecutors yesterday. Now>, if the Chamber <> would like
5 me to <not mention> this person's name, that <of course is> not a
6 problem. I'm simply going to refer to the number E319/12.3.2. And
7 I am going to refer <here> to question and answer 147 to 149.

8 MR. PRESIDENT:

9 You may proceed, Mr. Koppe.

10 MR. KOPPE:

11 Excuse me. Just briefly, Mr. President, now I'm getting confused.
12 Are we now allowed to use the names of future witnesses or aren't
13 we? I mean, I'm very happy to do so, but I thought, with my
14 colleague, that we weren't allowed to do so. Could you please
15 give us a clear ruling on this?

16 [09.48.12]

17 MS. GUIRAUD:

18 <Well --> Mr. President, may I respond? <I believed that> this
19 person had been <proposed for testimony> by the <Office of the
20 Co-Prosecutors>, but <> the Chamber had not yet given an answer
21 with regard to this point. <But I am speaking under the Chamber's
22 supervision on this point. Thank you.>

23 (Judges deliberate)

24 [09.51.00]

25 MR. PRESIDENT:

19

1 To clarify this matter, in our proceedings, as for the
2 individuals to appear before this Chamber to testify <in the
3 future>, the Chamber would like to request all Parties to use
4 pseudonyms <if these persons have pseudonyms>. And in case such
5 individuals do not have any pseudonyms, I request all Parties to
6 refer to specific documents <in line of previous practice> to
7 comply with the confidentiality <in the proceedings of separate
8 cases>.

9 You may proceed, Judge Lavergne.

10 JUDGE LAVERGNE:

11 There might be a translation issue here, what the Chamber would
12 like is when a Party is <on> the list of witnesses and when
13 <that> Party has not yet been heard publicly <during a hearing>,
14 then we have to refer to <the> person <by the> pseudonym,
15 <assigned by the Chamber,>. If a witness has already been
16 proposed <to be heard> as a new witness, which is the case here
17 <I believe>, then you should <> refer to <such a witness by
18 saying "here I am referring to the person> who was heard in <'x'
19 document"> and then provide the references of that document.

20 BY MS. GUIRAUD:

21 That's very clear. Thank you, Mr. President. Thank you, Your
22 Honour. So, I will not use any pseudonym, because this person
23 does not have any and I will simply refer to the document whose
24 index I already provided -- <> E319/12.3.2, and I am referring
25 here to <questions> and answers 147 to 149. This person, Witness,

20

1 you told us <yesterday> you knew this person and that you
2 <worked> with this person at the district level. And this person
3 is questioned about the crimes committed during the Democratic
4 Kampuchea period and this person says, and I'm going to have to
5 quote in English, because this document has not been translated:
6 "Theft of supplies or small amounts to eat was a minor crime."
7 [09.55.42]

8 Q. So, can you please react to this? Were you aware of the fact
9 that back then, stealing food was considered a crime?

10 MR. NEANG OUCH:

11 A. This individual and I were living <quite far apart>. She was
12 living in Cheang Tong and I was living in Leay Bour. <Minor
13 stealing was to be re-educated at a cooperative. Once or twice,
14 people were corrected> concerning stealing food, <> in their
15 <respective cooperatives.>. I was not fully aware <of the
16 punishment> concerning the incident of stealing food. And as I
17 said, if there was a minor case concerning stealing food, the
18 person was reprimanded. <>

19 [09.55.09]

20 Q. And were these issues of stealing food brought up during the
21 district meetings which you attended as an assistant, as you've
22 been saying to us since yesterday?

23 A. I heard the discussion of this issue in the meeting of
24 district committee and commune committees. <The measure was to
25 re-educate the offenders in the unit or cooperative.>

21

1 Q. And what kind of discussions <did> you have with regard to
2 this issue at the district level?

3 A. There was a meeting between the district committee and
4 <commune committee> to discuss the issue of stealing food, <> the
5 measure<, for these minor offenders, was> reprimanded <in their
6 groups or in their cooperative>. There was no serious punishment
7 for <this stealing>.

8 Q. <For you at the time,> at the district level, in the meetings
9 you attended, was this issue of <pilfering> of food <linked with
10 the food shortage issue> that you described to us a little
11 earlier on? To make things clear, do you think workers stole food
12 because they were hungry?

13 MR. KOPPE:

14 I object Mr.--

15 MR. PRESIDENT:

16 You may proceed, Victor Koppe.

17 [09.57.24]

18 MR. KOPPE:

19 Thank you, Mr. President. I object. This is a very speculative
20 question. If we're talking about a very concrete case, maybe, but
21 what the potential thieves were thinking is beyond the realm of
22 the capacity of this witness.

23 MS. GUIRAUD:

24 We're not asking the witness what he thinks about what the
25 thieves thought back then; we're asking him about what he thought

1 about the situation <at the time,> and if he made a connection
2 between the <shortage> of food, which he described a bit earlier
3 on <during his testimony>, and the fact that people <stole> food.
4 I think that this is a legitimate question that might <enlighten
5 the Chamber.>

6 (Judges deliberate)

7 [10.00.43]

8 MR. PRESIDENT:

9 The objection by the defence team to the last question posed by
10 the International Lead Co-Lawyer for civil parties is sustained,
11 because this question relates to a presumption by the witness.
12 And the Lead Co-Lawyer for civil parties, if you wish to ask that
13 question, please rephrase it or put it in another form <to avoid
14 the presumption of answer>. Judge Lavergne, if you wish to make
15 further comment on this issue, you have the floor.

16 JUDGE LAVERGNE:

17 It may well be a problem of interpretation. The question <that
18 seems to have been> asked, at least the way we understand <it
19 from the French interpretation>, is aimed at finding out from the
20 witness whether during <the> meetings he attended at the level of
21 the district he heard explanations given regarding reasons for
22 which certain persons stole food, and <whether or not> these
23 reasons included the fact that some workers were hungry. Counsel
24 Guiraud, have I properly understood <the> question? Is that the
25 question you wanted to ask the witness?

1 [10.02.20]

2 BY MS. GUIRAUD:

3 Absolutely, Mr. President. I can <perhaps> rephrase it or repeat
4 it.

5 Q. Witness, during meetings held at the level of the district,
6 which you attended at the time <and> during which, as you told us
7 a while ago, the question of <> food <theft> came up, among the
8 reasons given to explain such theft, <was> the fact that the
9 workers were hungry <mentioned>?

10 MR. NEANG OUCH:

11 A. There was an explanation to the fact that this event could
12 rise in <> cooperatives or <in> communes where the produce was
13 not sufficient. They also provided the reasons for stealing. For
14 instance, some of them stole food because they were hungry <or
15 lack of food>.

16 [10.03.47]

17 Q. Thank you. <And when the> people attending these district
18 meetings heard those explanations <that you mentioned>, notably
19 that some people stole food because they were hungry, what were
20 the discussions you held and what solutions did you <at the
21 district level> propose to resolve such issues?

22 A. I already stated that for the area that did not have
23 sufficient food or produce, then the area with the surplus of
24 food would share the surplus <> with the areas that did not have
25 sufficient food. However, this could not <be supplied at all

24

1 times; accordingly, people in these areas would not have
2 sufficient food like those from high-yield areas.>

3 Q. So, if I understand what you're saying correctly, to remedy
4 that situation, decisions were taken at the level of the
5 district, with a view to sharing food differently among those who
6 managed to reach their quotas and those who didn't. Am I
7 correctly understanding your testimony here?>.

8 A. Yes, that is correct. However, even with the food given by
9 other communes to the area with insufficient food, <> it was
10 still not sufficient. But at least it would help <some>.

11 Q. Thank you. It therefore transpires from your testimony that in
12 some zones, in any case, in Tram Kak, there were sometimes <food
13 shortages>. Was such information communicated to foreign
14 delegations that visited you in Leay Bour commune and over which
15 you had responsibility?

16 A. <When> I met with the delegations<,> I did not speak on this
17 matter with them -- that is, to the Swedish delegation and to the
18 Chinese delegation. And <> one of the two delegations asked me
19 about this issue. <The Swedish delegation asked me> whether<,> in>
20 Cambodian culture<,> women would go to ask for the men to get
21 married. And I said no<. There was no such practice in Khmer
22 culture. It was> the other way around. <I asked back, "What about
23 your country?" He told, in his country, some women could make a
24 request to marry men.>

25 [10.07.29]

1 And I already spoke about the meeting with the Chinese
2 delegation, and I think I mentioned it rather in details in my
3 <previous statements> with <the> Co-Prosecutor<, who is sitting
4 at the front row over there>.

5 [10.08.02]

6 Q. Absolutely, Witness, and we thank you for the clarifications
7 you <provided to us> yesterday. You told us that you were in
8 charge of foreign delegations, including the Swedish and Chinese
9 delegations that visited your sites. I would also like to know
10 whether you received delegations of <senior leaders> who were
11 members of the Democratic Kampuchea regime.

12 A. As for senior leaders of Democratic Kampuchea, they did not
13 come to visit Tram Kak district, and I never received them<>.

14 Q. I would like you to react to a testimony we heard earlier in
15 this hearing on the 26th of January, 2015. A civil party
16 testified. That civil party was at Tram Kak cooperative and
17 worked at Leay Bour, that is Ms. Chou Koemlan. That civil party
18 gave a testimony, which I would like to read out to you so that
19 you may react to it. It is transcript number E1/252.1, and <it
20 is> at 11.59. That civil party, <before this Chamber,> recounted
21 a visit by Pol Pot, Nuon Chea, Khieu Samphan and Ta Mok at Leay
22 Bour. And she said at 11.59:

23 "I saw them in 1977. I do not remember the exact month. It is
24 possible that it was in February, March, April or May, but that
25 was a long time ago. Those leaders were in a car. They stopped at

26

1 Koul Chambak (phonetic) region. They looked at us carrying earth.

2 The commune <chiefs> and heads of <> unit were with them."

3 Witness, <I would like to know> whether this testimony by Chou

4 Koemlan reminds you of anything?

5 [10.10.45]

6 A. Chou Koemlan stated that this event took place in March or

7 April, but let me clarify that <> I arrived in Tram Kak district

8 <> in June <> of 1977. So<, I did not witness that. That visit

9 should have been prior to my arrival. If it happened in March or

10 April,> it means it happened prior to my arrival in the district.

11 Q. Thank you. I would like us to talk about another subject now.

12 I would like you to explain the role of the militias-->

13 [10.11.32]

14 MR. PRESIDENT:

15 Thank you, Lead Co-Lawyer for civil parties. It is now convenient

16 to have a short break. We will take a break and return at 10.30

17 <to continue the hearing.>

18 Court officer, please assist the witness during the break time

19 and invite him, including his duty counsel, back into the

20 courtroom at 10.30.

21 The Court is now in recess.

22 (Court recesses from 1012H to 1031H)

23 MR. PRESIDENT:

24 Please be seated.

25 The Court is now back in session. You may proceed, Mr. Koppe.

1 MR. KOPPE:

2 Thank you, Mr. President. I would like to ask for a clarification
3 in respect of a document that was shown to the witness by the
4 International Co-Prosecutor yesterday at 9.50, we received a
5 notification of a request for correction on document, E3/4093,
6 that's the document that was extensively shown to the witness and
7 when I had a look at this request for correction, it says, at
8 least in the English version that the word "Sang" (phonetic) is
9 deleted from the English translation, we only see a signature. So
10 I'm not quite sure whether the witness has been -- obviously the
11 witness has been shown the Khmer version of the document but I'm
12 not quite sure how to understand the English translation. Are we
13 now saying - maybe I should say also the request was made by
14 certain, Reath Panhean. I don't know who he is and it was done on
15 Friday 6th March. But the only thing I can say now is that the
16 English translation of this document now has deleted officially
17 the name "Sang" (phonetic) and I was just wondering what the
18 background of this request is.

19 (Short pause)

20 [10.33.24]

21 MR. PRESIDENT:

22 You may proceed, International Co-Prosecutor.

23 MR. KOUMJIAN:

24 Your Honour, obviously I'm not a translator, I am at a
25 disadvantage, but I understand that Counsel is referring to the

28

1 page in English, excuse me, in Khmer ERN 00270787, and on that
2 page in the box that writing that appears horizontally, in the
3 middle of the page, the name below it, I understand and perhaps
4 the Khmer members of the defence teams can verify, is "Sang"
5 (phonetic) and then the date 7/8.

6 MR. KOPPE:

7 Yes, that's my correction but - understanding but in the
8 correction it now says deleted "Sang" (phonetic) so if you look
9 at this apparently in the document which is called E3/4093
10 correction, and it says "signature" but it says literally
11 "deleted 'Sang'" (phonetic). So it seems that the translators are
12 now saying that the word "Sang" (phonetic) cannot be recognised
13 on the original Khmer version. That's how I understand it but if
14 I'm wrong I stand to be corrected.

15 [10.34.55]

16 MR. PRESIDENT:

17 You may proceed, National -- Deputy National Co-Prosecutor.

18 MS. SONG CHORVOIN:

19 The <Nuon Chea> Defence was referring to <E3/4093. I have this
20 original document in Khmer> with the handwriting <and> the
21 signature <bearing a name "San," dated on> 7 August<. I do not
22 know whether the English version itself was redacted or not but
23 in the Khmer version, there is> a name of a person.

24 MR. KOPPE:

25 No, Mr. President, I have it in front of me and the email

1 actually says it itself, the notification by the Greffier, it
2 says E3/4093 that's the document that we've been discussing
3 extensively. My understanding is that the word "Sang" (phonetic)
4 from that original Khmer document is now been deleted in the
5 translation which I don't know seems to imply that whoever
6 translated this document now is of the opinion that the word
7 "Sang" (phonetic) is not recognisable.

8 [10.36.25]

9 (Judges deliberate)

10 [10.38.39]

11 MR. PRESIDENT:

12 You may proceed, Judge Fenz.

13 JUDGE FENZ:

14 Apparently the whole issue has been further complicated because
15 there has been a translation problem in translating the ERN
16 numbers you mentioned. So may I ask you again to give us the ERN
17 number of the document that has been corrected and please,
18 Interpreters, pay specific attention, there was a problem in into
19 French.

20 [10.39.06]

21 MR. KOPPE:

22 Judge Fenz, the ERN number that I have on the left bottom is
23 01072346 and on the right page up it says E3/4093/ -- I believe,
24 correction.

25 JUDGE FENZ:

30

1 And it was filed on?

2 MR. KOPPE:

3 It was filed this Friday and notified to the Parties at 9.50 in
4 the morning yesterday.

5 JUDGE FENZ:

6 Thank you. We, the Chamber, obviously recognises that that has to
7 be clarified. We will do that during the lunch break. Should it
8 be necessary to use this document in the meanwhile please use the
9 Khmer version, the Khmer original.

10 MR. KOUMJIAN:

11 Can I just clarify because the number that Counsel gave for the
12 Khmer original is completely different from the number that we
13 have. I perhaps better leave it for now.

14 JUDGE FENZ:

15 Perhaps easiest could you give a copy to one of our legal
16 officers, he can make a copy, so know what you are talking about.

17 [10.40.34]

18 (Short pause)

19 [10.41.08]

20 MR. PRESIDENT:

21 I would like to know how much time you need, Lead Co-Lawyer.

22 [10.41.16]

23 MS. GUIRAUD:

24 I think I can be done by 11.00 o'clock if that's -- I will rely
25 on the Chamber's <discretion> with regard to that <and adapt

1 accordingly.>

2 MR. PRESIDENT:

3 You may proceed.

4 BY MS. GUIRAUD:

5 Thank you, Mr. President.

6 Q. Before the break, Witness, I put a question to you about the
7 militia and I would like <to know if> you <could> explain to us
8 how the militia <operated> in Tram Kak cooperative.

9 MR. NEANG OUCH:

10 A. In Tram Kak District, there were militia in communes and in
11 districts. These two types of militia <were> to <provide>
12 security for the commune and for the <entire> districts.

13 Q. Can you be a bit more specific regarding the different tasks
14 that were accomplished by the commune militia and the district
15 militia?

16 A. I <already> mentioned <clearly> that <> militias were to
17 provide security to respective communes and districts. That's
18 all.

19 [10.43.40]

20 Q. What do you mean by "security"?

21 A. As for the term "security", for instance if there was any
22 issue or if there was any incident, the militia was to <examine
23 and> to provide security. <This was security.>

24 Q. And were the militiamen armed?

25 A. During that time they were lightly armed. For instance, in one

1 commune, there would be ten militiamen <but> they had only two or
2 three rifles<, not all were armed because the war was over. At
3 the district,> there was a platoon <consisting 30 members, but
4 this platoon was divided and deployed in Tram Kak district. And>
5 in Noreay, near National Road Number 3, <another unit was
6 deployed at Trapeang Andeuk (phonetic)> and in other areas near
7 the mountain and in that area<, that was at Damrei Romeal
8 mountain, 14 kilometres to the south of the mountain. Half way
9 from the mountain, seven kilometres, one group was deployed there
10 but they were not all armed>.

11 [10.45.57]

12 Q. Thank you. And how were the militiamen recruited, how old were
13 they?

14 A. Upon my arrival, I could see that the structure was already
15 organised. <When I came from Kaoh Andaet, this structure already
16 existed. So, I did not know how they were recruited.> As for the
17 age of militiamen, the age ranged between 18 to <> 30.

18 Q. Thank you. <Was it incumbent upon> the commune militiamen to
19 supervise the couples that had just got married?

20 A. No.

21 Q. Thank you. I would like you to react on a testimony we heard a
22 little earlier on in this Trial on 17 February 2015 and a witness
23 came, he was a Base Person, and he came to testify. I would like
24 to read out an excerpt from the transcript, E1/264.1. <This>
25 person stated at around 10.55 while he was questioned about the

1 role of the secret agents and he said, "After the wedding the
2 unit chief sent chlop spies to listen at night. In reality there
3 were two chlop spies per house to listen to the couple." A little
4 bit further on he says, "they wanted to know if the couple would
5 consummate the <marriage> and if that was not the case, the
6 couple <would be> summoned and <> reprimanded. If a couple got
7 along well and consummated the marriage, there was no problem.
8 The couple could go <to> work as <usual>." I wanted to know,
9 Witness, when you were at Tram Kak, if you saw militiamen listen
10 to couples below their houses after they had got married.

11 [10.48.56]

12 A. No. <I did not encounter that.>

13 Q. Thank you. More generally speaking, <I would like to know> how
14 <> couples <got> married at Tram Kak during the period you were
15 posted there? Can you tell us how couples <got married> at Tram
16 Kak?

17 A. Actually as for marriage, five couples would <be arranged> in
18 one time<. In the ceremony, a meeting was held,> and <> four <or
19 five> couples would <hold each other's hands as wife and husband,
20 then they made the commitment. After the commitment,> there was
21 <feasting.> First the male would be asked to make a resolution
22 and after that it was the time for the female. <This was
23 alternatively done for all five couples.> After making
24 resolutions, <> speeches or wishes were expressed by the head of
25 <cooperatives> for the newly-wed<. After these concluded> there

1 was <a special feast>. There was no music performed, there were
2 no achar in attendance <like the current time>. This marriage
3 <ceremony> would last <> two hours.

4 [10.51.22]

5 Q. Thank you, Witness. Were the men and women free to choose
6 <their own partner at their own discretion>?

7 A. Yes <and no>. In some places the head of <> communes or the
8 head of <> cooperatives would decide the partner for those
9 people<, while at other places, people could choose>.

10 Q. What would happen if the men and women <who were selected and
11 due to be wed refused to> marry the person who was proposed by
12 the commune chief?

13 A. I never encountered such refusal. <In the arrangement, some
14 people chose by themselves while others were> matched with their
15 partners by> heads of communes and cooperatives<. I saw no
16 reaction.> I could see the newlyweds got along well with each
17 other <for good>.

18 Q. Thank you. Did the district have a role to play in the way the
19 weddings were organised?

20 A. Actually <through observation,> I did not see any involvement
21 of the district. However the request would be made by the commune
22 <or cooperative> head to the district that the commune head would
23 like to arrange a marriage for certain couples and request was
24 made by the commune chief to the district for consideration and
25 after that the marriage would be held. And most of time I did not

1 see any attendance from the district.

2 Q. Thank you. I would like you to react to the answers that were
3 provided by the person we spoke about since this morning and this
4 person whose name we cannot disclose and who was interviewed by
5 the Co-Investigating Judges. This is <still the same> PV,
6 E319/12.3.2, and this lady, whom you knew back then and with whom
7 you attended district meetings, indicated to the Investigating
8 <Judges> during her interview and in her answer 111 in
9 particular, I'm going to read the excerpt in English because
10 there is no French translation, "The commune level listed the
11 names of the couples to be married and sent the names to the
12 sector level to decide how many couples were to be married each
13 time."

14 Witness, does this description <given by this person> correspond
15 to what you experienced back then -- that is to say, the fact
16 that the commune would send the names of the couples to the
17 sector level and then the sector would decide who <had to> marry
18 whom.

19 [10.56.54]

20 MR. PRESIDENT:

21 Please hold on, Mr. Witness. You may proceed, Mr. Koppe.

22 MR. KOPPE:

23 I suppose I object to this question. In itself I understand the
24 practice of reading only one sentence from an answer. However,
25 the standing practice now is to read the complete answer so, I

1 would invite the Lead Co-Lawyer to also read the second part of
2 the answer 111.

3 MS. GUIRAUD:

4 <At your discretion,> Mr. President, <it is not up to> my
5 colleague <to> order me to do so. If you ask me to do so I will
6 do so but my colleague can do that <himself> during his
7 examination, <it's at your discretion, I have absolutely> no
8 problem with <reading it in its entirety> but I simply wanted to
9 gain time.

10 MR. KOPPE:

11 Then I request you to instruct Counsel to read the whole answer.

12 JUDGE FENZ:

13 Can I just ask a question, Counsel, are you alleging that only
14 reading one sentence is misleading and if so, why?

15 MR. KOPPE:

16 No, not necessarily. But the practice is, I'm sometimes reading
17 one sentence and then I get objected to so the answer is much
18 more - much more detailed than the one sentence that is being
19 read now. So, because of this practice I'm now objecting and I
20 think the whole answer should be read to the witness.

21 [10.57.58]

22 MS. GUIRAUD:

23 Mr. President, may I answer? I don't believe that this is an
24 established practice. I think that's at the Chamber's discretion
25 to consider if this <is> appropriate or not. All Parties have

1 access to the documents as well as the Chamber<.> I will rely on
2 your wisdom regarding this issue.

3 [10.58.27]

4 (Judges deliberate)

5 [10.59.14]

6 MR. PRESIDENT:

7 The objection of the Defence Counsel for Mr. Nuon Chea<, Victor
8 Koppe,> is overruled in relation to the last question put by the
9 International Lead Co-Lawyer. And I inform the Counsel for Mr.
10 Nuon Chea that you can quote the whole part of the answer during
11 the time of your <turn>.

12 Mr. Witness, you are instructed to provide your answer to the
13 question.

14 MR. NEANG OUCH:

15 Please repeat your question, I do not recall it.

16 BY MS. GUIRAUD:

17 Q. I will try to sum up my question in French under the
18 supervision of the Chamber and the Parties. Witness, do you agree
19 with the witness whose testimony I have just cited and who said
20 that the list of names of couples to be married were sent to the
21 commune at the level of the sector, who decided how many couples
22 were to be married on each occasion, was that the practice to the
23 best of your recollection?

24 MR. NEANG OUCH:

25 A. People who were supposed to get married were sent to the

1 <sector> level for approval and sometimes the approval could be
2 made at the commune or at the district level, so the situation
3 varied. It's a case by case basis.

4 Q. Thank you. Did it sometimes happen that the higher level<, as
5 you say,> would refuse giving the authorisation <> and if yes,
6 what happened in that case?

7 A. I would like to clarify this issue again. Some couples,
8 involved with <> men <and> women <> from the sector level<, for
9 instance, a man from the sector level wished to marry a woman
10 from the cooperative and commune level.> If that is case, then
11 there had to be an authorisation from the district up to the
12 sector level. However, for those <who were> not at the sector
13 level, <but at the district level,> then the authorisation could
14 be <> made only up to the district level <by head of> communes
15 <and cooperatives. Then, the district level made the decision.>
16 And to my knowledge, I never saw any disagreement or disapproval
17 by the sector level in this case.

18 [11.03.14]

19 Q. Thank you. I have one last question, Mr. President, if you
20 would allow me. It's a very short question and it is a follow up
21 to the last question in the same transcript <this witness, who
22 you knew at the time, answered on this specific subject in answer
23 number> 117. I will read three lines of the witness's entire
24 answer in English in order that there may not be any difficulty.
25 "Nothing like that happened at my site, they all had known one

1 another because my site was not large, we arranged their marriage
2 and the couples agreed but if the upper level did not approve,
3 they could not marry."

4 Can you express an opinion on this? And this would be my last
5 question, particularly to the fact that if the higher level did
6 not approve of the marriage, those persons could not be married.

7 A. I never came across such an issue and if it happened, probably
8 it is out of my recollection. We made a request to the upper
9 level, and most of the time, they approved and I never saw a case
10 where they disapproved such a request.

11 Q. Thank you, Witness, for answering my questions. Thank you, Mr.
12 President, for granting me additional time for examining the
13 witness. I have no further questions <>.

14 [11.05.42]

15 MR. PRESIDENT:

16 Judges of the Bench do you questions to be put to this witness if
17 so, you can proceed. Judge Fenz, you have the floor.

18 QUESTIONING BY JUDGE FENZ:

19 Q. I have couple of general follow up questions. First, Witness,
20 can you remind us, did you ever in life meet Pol Pot, Nuon Chea
21 or Khieu Samphan and if I say, meet, I also mean, see.

22 MR. NEANG OUCH:

23 A. During the period from 1975 to 6th January 1979, <that was 3
24 years,> I met <Great Uncle> Nuon Chea during a yearly study
25 session and I met him once. As for Khieu Samphan or Pol Pot, I

1 never met them during the three-year period.

2 Q. And this study session was when? The study session when you
3 met Nuon Chea.

4 A. I cannot recall the date. However it happened around September
5 or October <annually>.

6 [11.08.00]

7 Q. Thank you. My next question goes to your relation to Ta Mok.

8 Now, I understand you won't be able to give me a number of times
9 you've had contact with him but give me an idea. In the time
10 between '75 and end of '78, how often did you have contact of any
11 kind, private or professional, direct or per phone or message
12 with Ta Mok? Is this once a year, once a month, once a week,
13 something in between?

14 A. I met Ta Mok in 1975, after Kampuchea was liberated. I met him
15 when Ta Mok set a plan to build a historical dam at Angkor Borei
16 Lake, stretching from Kampong <Ampil> along Canal 99 and it
17 stretched <> four kilometres <to the east>, then it turned to the
18 north<, to the east of Borei mountain>. I met him at the time
19 <when he went to> the work site and he came to inspect the dam
20 work site and while I led the workers to build that dam. That was
21 the time that I was an assistant to Kaoh Andaet district. And
22 from then on, I met him on various other occasions<. He told us
23 to do this and that.> Sometimes I saw him from a distance or
24 sometimes I met him briefly. And during the two months, <when>
25 the dam was <completed>, I met him rather frequently there when

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1 he went to inspect the work site. And after that period, I did
2 not meet him or see him frequently.

3 I again saw him when I was called by him from Kaoh Andaet to
4 Takeo and that when he assigned me to work as an assistant to
5 Tram Kak District. And after that he left Takeo, and went to the
6 Northwest Zone <> to Battambang province<. My statement> is the
7 fact.

8 [11.11.16]

9 Q. So can you give us an idea how often you met him in 1976, if
10 at all?

11 A. I did not meet him that often in 1976.

12 Q. Can you be a bit more precise? That often is very vague,
13 again, once a week, once a month, once every two months or what
14 else?

15 A. In 1976, Ta Mok was still at the Southwest Zone and I met him
16 probably once a month or once every two months when he came to
17 Takeo <for study sessions>.

18 Q. Were these private or professional meetings?

19 A. I met him during study sessions or during meetings<. Chiefs>
20 of communes <and districts> were called for meetings at the
21 district <level. He> also called me <> to attend <thoes> study
22 sessions.

23 [11.13.07]

24 Q. What about 1977?

25 A. I did not meet him that frequently in 1977<, since the

1 beginning of the year. He> removed me from Kaoh Andaet to be an
2 assistant <at> Tram Kak district, <that was when I met him once.
3 Subsequently,> he left Takeo for Battambang province in the
4 Northwest Zone.

5 Q. Were there any private meetings, family things, weddings,
6 funerals?

7 A. No.

8 Q. And to finish this, 1978, how often did you meet him then, if
9 at all?

10 A. I already stated that <in '77,> after he transferred me to
11 work at Tram Kak district, he went to Battambang district and I
12 did not meet him since.

13 [11.14.43]

14 Q. Now, I have a couple questions about the wider Ta Mok family
15 involvement in politics in the DK period. The Prosecutor started
16 this line of questioning yesterday but used a document which
17 hasn't been admitted so I'll ask you open questions. The
18 questions will go to who of the Ta Mok family had which position?
19 In order to structure this a bit, how many siblings did Ta Mok
20 have and what positions did they have?

21 A. Ta Mok only had daughters and there were five of them. As for
22 the positions, only the eldest daughter held a position, her name
23 was Khom. Initially <>, after the 1970 coup, <I saw,> Khom,
24 <received the position as> the Tram Kak District Chief.

25 Q. What did her husband do, provided she had one?

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1 A. Meas Muth was Khom's husband. In 1970, after the coup, he was
2 in charge of the Sector 13 army <in> Takeo sector. The sector
3 army's main duty was to fight against <> Lon Nol forces at that
4 time. Later on, I cannot recall the year, but it was circa 1973
5 or '74, he was promoted to the zone level and further <> he was
6 promoted to the centre and he was in charge of the Navy of
7 Division 164 <in Kampong Som>.

8 [11.18.04]

9 Q. I understand you married the youngest daughter, so we know
10 about you. What about the husbands of the other daughters? I
11 think there are three left.

12 A. There are four more. The next daughter after Khom, named Ho,
13 and her husband was a former soldier who died in the <battle>
14 during 1979.

15 Q. Next one?

16 A. For the next daughter, her husband was named Ren and to my
17 recollection Ren died after 1979 though I cannot recall the exact
18 year.

19 [11.19.30]

20 MR. PRESIDENT:

21 Mr. Witness, can you tell the name again of that daughter.

22 MR. NEANG OUCH:

23 A. Her name was Krou.

24 JUDGE FENZ:

25 Q. And what did he do before he died?

1 A. He was a soldier, although I did not know which position or
2 rank he held and he went to live in Anlong Veang area after
3 1979.

4 Q. I believe that leaves us with one daughter and her husband?

5 A. The next daughter Heanh and her husband was Boran and the
6 husband also died after 1979, probably died around 1990s.

7 Q. What did he do between 1975 and '79?

8 A. He was in the logistic transportation unit between the border
9 to the Southwest Zone in particular to Takeo <and Kampot>
10 provinces.

11 Q. Do you know of any other relatives of Ta Mok, cousins, etc.,
12 who were in senior positions, positions of authority?

13 A. As for his cousins or other relatives, I do not know many of
14 them. Originally I am from Kandal province while he was from
15 Takeo province<. I had my family in that locality but> I did not
16 stay much longer<. I went to serve as a teacher at Svay Prey,
17 Prey Kabbas district. As a result,> I did not know much about <>
18 his cousins or his other relatives.

19 [11.22.38]

20 Q. My last question, did you ever hear the words "Brother Number
21 One or Two" in connection with Democratic Kampuchea?

22 A. I heard the word "Brother Number One".

23 Q. When did you hear it?

24 A. That was during the three year period <> after the war ended.

25 Q. So you never heard it between '75 and beginning of '79?

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1 A. I already stated I heard that word used after the war ended so
2 I refer to the period of 1975 to 1979.

3 Q. Sorry my mistake. Who was Brother Number One?

4 A. Om Pol Pot or Uncle Pol Pot was Brother Number One.

5 Q. Are you aware of any other brothers with numbers and who they
6 were?

7 A. That's all I heard about brother with number.

8 Q. Thank you.

9 A. <> I also heard Brother Number Two but I did not know whom it
10 refers to.<But I am pretty sure "Brother Number One" refers to
11 Pol Pot.>

12 [11.25.06]

13 MR. PRESIDENT:

14 Judge Lavergne, you have the floor.

15 QUESTIONING BY JUDGE LAVERGNE:

16 Thank you, Mr. President. Mr. Witness, I have a number of
17 questions for you and it is likely to take more than the five
18 minutes remaining this morning.

19 Q. I would like to start by asking you to clarify something. In
20 response to a question put to you by Judge Fenz <earlier>, you
21 said that you met Nuon Chea during a meeting that was held in
22 September or in October. But in any case, in French, I did not
23 hear the year in which that meeting was held. Can you tell us
24 where and in what year that meeting took place?

25 MR. NEANG OUCH:

1 A. The meetings were held in September or October. It was one of
2 these two months although I am not 100 percent sure. It was held
3 in the year 1977, in Borei Keila compound located to the north of
4 <the current> Preah Puth pagoda in Phnom Penh. <Borei Keila may
5 have been already built.>

6 [11.26.44]

7 Q. How often did you have the opportunity to go to Phnom Penh to
8 meet leaders? How many times did you have the opportunity to go
9 to Phnom Penh to meet leaders <there> or for any other reasons?

10 A. I came to Phnom Penh once a year for a yearly study session
11 and it happened in 1977 and then in 1978<. Besides, I came to
12 Phnom Penh> when my knee was injured. I came for the treatment at
13 the Soviet hospital and I was hospitalised for three months at
14 the time.

15 Q. Who could attend those training sessions and who conducted
16 those training sessions, apart from Nuon Chea?

17 A. The provincial level would select people to attend the study
18 sessions and I observed that there were people from the District
19 levels and some assistants also from the district levels and they
20 were sent to study -- that study session and for the study
21 sessions that I <met only> Nuon Chea.

22 Q. So when you say that you met with Nuon Chea only once that is
23 false<, since> you said that you went to Phnom Penh several times
24 and that on each occasion, the training was conducted by Nuon
25 Chea, or did I not properly understand your testimony?

1 A. I think you misunderstood my statement. I attended a study
2 session once in 1977 when I met Nuon Chea <at that time.> And
3 again I attended a study session in 1978 and that was a second
4 occasion that I met Nuon Chea and besides that I came to the
5 Soviet hospital for my <three-month> treatment.

6 [11.29.43]

7 Q. What was the content of this training? <What was the
8 objective?> What was being discussed during this training?

9 A. It is very difficult to recall the contents of the study
10 sessions as the period has passed for more than 30 years. <I
11 could not recall it and I could not recall the titles of the
12 documents.> Usually at the conclusion of the study session, they
13 would hold a criticism and self-criticism meeting to evaluate our
14 study session and what we learned. And then we would hold a joint
15 meeting and after that a group meeting for the criticism but let
16 me repeat again, I cannot recall the contents of the documents
17 provided during the study sessions. <It's been a long time.>

18 [11.31.19]

19 Q. Was the aim of these meetings to define the political line of
20 the CPK?

21 A. I already stated that it is very difficult for me to recall
22 exactly what were taught or discussed<. It has been quite a long
23 time. Also, I am older. My thought is confusing now.>

24 Q. You went to Phnom Penh several times. I suppose that meeting
25 Nuon Chea is something that did not leave you <feeling>

1 indifferent. <I am asking you to> make <an> effort, please tell
2 us what you heard during these meetings.

3 A. I will try to recall it but <I could not reflect and provide
4 the answer to the Chamber right now>.

5 Q. Fine. Do you have any memory issues? Do you manage to remember
6 things that happened recently or maybe longer ago?

7 A. I have problems with memory as my recollection is not that
8 good. Usually<,> when I work on my farm I will write down what I
9 need to do in my notebook. For example, <I need to write down
10 when> I have to water <durian in my plantation>. So just to
11 summarise, I do have problems with my memory.

12 [11.34.02]

13 Q. So regarding these meetings with Nuon Chea, you have no idea
14 of what <could have been> discussed during these meetings, not
15 even in very broad terms <>, absolutely no idea?

16 A. I can recall some <> on the building of <the proletariat>
17 class, <class struggle,>and <> to get rid of the capitalist class
18 from within ourselves <and to build worker and peasant class>.
19 These are some of the contents of the study sessions that I can
20 recall. <For other documents, I cannot remember the details.>

21 [11.35.09]

22 Q. Did Nuon Chea ever speak to you about the enemies, the enemies
23 of the CPK?

24 A. I do not have anything to hide, Your Honour, but I simply
25 cannot recall it. <I state it again and again that I cannot

1 remember.> Even for my daily work with my family, I have
2 difficulty <in remembering it. But> I remember about <the
3 building of proletariat class. And> we had to <build ourselves
4 from the middle class to> become one of the people in the
5 <proletariat> class.

6 MR. PRESIDENT:

7 The time is now convenient for a short break for lunch. We will
8 take break now and return at 1.30 this afternoon. Court officer,
9 please assist the witness during the lunch break and invite him
10 back into the courtroom with his duty council at 1.30.

11 <Court officer and WESU, please arrange the place at the waiting
12 room for this witness during the break and have him returned to
13 this courtroom, along with his duty counsel at 1.30.>

14 Security guard, please bring Khieu Samphan to the waiting room
15 downstairs and have him back to the courtroom prior to 1.30.

16 The Court is now in recess.

17 (Court recesses from 1136H to 1336H)

18 MR. PRESIDENT:

19 Please be seated.

20 The Court is now back in session. And Judge Lavergne, you have
21 the floor.

22 [13.37.43]

23 BY JUDGE LAVERGNE:

24 Yes, thank you, Mr. President. Witness, I would like to get back
25 to the documents that were provided to you yesterday by the

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1 Co-Prosecutor. You remember, yesterday evening, you were given <a
2 document, it was the last document,> E3/4093, and you asked to
3 speak to your lawyer. And this morning, you were <asked a>
4 question again regarding this document. I'm going to read again
5 the answer as it was noted down this morning. "I would like to
6 provide the following clarification. First of all, as a deputy of
7 the committee, I must say that it was Ta Ran who was in charge of
8 the district. So he was <at a higher echelon>. Before I would <>
9 complete a task, whatever it was, I had to ask for Ta Ran's
10 leave. So, all of the decisions were taken by Ta Ran. And as far
11 as I'm concerned, I would simply write down the decisions taken
12 by Ta Ran. And I can <answer you in the affirmative that>
13 'sweeping everything clean' meant to execute". <> Witness, I
14 would like you to tell us clearly if today you acknowledge being
15 the person who signed this document E3/4093. Would you like me to
16 provide this document to you again so that you could have it at
17 hand and so that you can check that it is really your signature
18 <and your handwriting>?

19 [13.40.22]

20 MR. NEANG OUCH:

21 A. As I already stated and, Your Honour, already read out my
22 script, all the tasks had to be decided by Ta Ran who was chief
23 of Sector 13<. He came to supervise> Tram Kak district <and he
24 was my superior>. So I had to have the authorisation or approval
25 from him, and based on his decision, then I would write down. On

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1 the issue of the signature in document E3/4093 dated the 7
2 August, I acknowledge it is my signature. However, in another
3 document, that is, document D157.101, with the date of 7 of March
4 and with my <> name, "San, wrote to Bong An." I must say the
5 handwriting in this particular document is not my handwriting.
6 <The document bears> E3/2785<, dated 7 March, the name San with
7 the underline is also not my handwriting.>

8 [13.42.43]

9 Q. Thank you, Witness, for this clarification. So I must
10 therefore understand that document E3/4093 is a document in which
11 you recognise your signature as well as your handwriting. That is
12 what you're telling us; correct?

13 A. Yes, that is correct. However, as I stated, I only followed
14 the instructions laid down by Ta Ran.

15 Q. <Okay, so consequently> in document <E3/2785>, you tell us
16 that this is neither your handwriting <nor> your signature, so I
17 would like to specify that document E3/2785, the relevant ERNs in
18 Khmer are 00079115; English 00322193; and French 00753636. So, I
19 understood well, with regard to document <E3/2785>, this is
20 neither your handwriting nor your signature? Yes, do you confirm
21 what I just said or?

22 A. Yes, that is correct. The handwriting is not mine and the
23 signature is also not mine. That's why it is very difficult for
24 me and that's why it confuses me. <It looks like a fraud.>

25 [13.45.16]

1 Q. <We> will get back to those issues later but now, I would like
2 to cover all of the documents that were presented yesterday. So,
3 I would like <to show you again, Witness, the document>
4 <E3/2423>. If the court officer could please provide this
5 document to the witness. I have it here at hand. <Let me point
6 out that> the ERNs are; in Khmer, 00079127; and in French,
7 00611732; and English, 00322210. And the document reads as
8 follows:

9 "First, interrogate the despicable Hul Muoy who is a second
10 lieutenant and ask him to disclose the <network> he belongs to.
11 Did he flee to Chruos Chrey mountain and does he have any network
12 in Chamkar <Seang> or not? And who belongs to his network?
13 Second, regarding a man named Seak who was sent to you yesterday,
14 I would like you to interrogate him to identify his command
15 network. You have to ask him how many people were appointed by
16 him. What are his activities. Please interrogate him in-depth".
17 So, Witness, can you tell us<, yes or no,> if you recognise your
18 signature and if <so, yes or no, do> you recognise your
19 handwriting?

20 A. The handwriting is not my handwriting. Also the signature is
21 not mine.

22 [13.47.54]

23 Q. Well, fine. I'm also going to show you another document that
24 was also presented to you yesterday. This is document E3/2453,
25 <it is also available to you.> Khmer, ERN 00270774; English, ERN

1 00388577; French, ERN 00611769. And the relevant part reads as
2 follows: "To the attention of Comrade Nit (phonetic). For
3 information purposes, regarding Phuong Phalla and Pen Aun, I gave
4 the order to Comrade Naom (phonetic) to send them to the police
5 of District 105". <Date: 18th October>. So is this your signature
6 again and your handwriting?

7 A. Both the handwriting and the signature are mine. And I wrote
8 that after I got the approval from Ran. <> It is very hard for me
9 to read here whether it's Brother Kit or Brother Nit (phonetic).
10 [13.50.23]

11 Q. We'll get back to that later. Now I'd like to present <one
12 last document to you>. This is document E3/2444. The Khmer ERN
13 is, 00271029. The copy is very poor and we are going to focus on
14 the right hand side of this page. And the English ERN that
15 concerns us is, 00322149; and French, 00623342. So do you
16 recognise this signature on this document as being yours? And do
17 you recognise <the handwriting as your own>?

18 A. I cannot read this document clearly.

19 Q. Well, fine. So, we are going to note down that you were not
20 able to read it. No problem. <> I would like now to return to
21 Document E3/2453. This is a document in which you <just said> you
22 recognise your signature. This document is dated 18 October. So
23 what you're telling us is that you wrote this document after
24 having received orders from Ta Ran. <How did> you <communicate>
25 with Ta Ran who was at the sector level? <Did> you send

1 messengers?

2 A. My house was located in Leay Bour, and the location from my
3 house to Ta Ran's place <in Takeo> was six kilometres. And in
4 fact, I used a motorbike to go to his place. I would report to
5 him and then he would make a decision and then I would write down
6 his decision.

7 [13.54.09]

8 Q. Well this message is addressed to Comrade Nit or Comrade Kit
9 or Ket (phonetic), I don't really know exactly. To whom would you
10 write?

11 A. I wrote this to Brother Kit.

12 Q. Who was Comrade Kit?

13 A. In fact, I already responded as to who was Kit. <Comrade> Kit
14 was the secretary of Tram Kak district. And this information
15 <came from> Angk Ta Saom <commune which was closer to my place.
16 So,> I reported <> this event to Ta Ran, the sector committee.

17 Q. This answer follows a report that was addressed by a so-named
18 Saom. Saom <-- but> maybe I'm not pronouncing it <very well in
19 Khmer,> but the signature just above reads as 'Saom' in French.
20 Which signature can you read right above? And to whom does this
21 signature correspond? Who wrote to you?

22 [13.56.41]

23 A. The signature and the name is <Chhaom (phonetic)> . However,
24 about that it is a Khmer abbreviation for the area known as Angk
25 Ta Saom. So after Chhaom, from Angk Ta Saom, brought that

1 information to me, I reported it to Ta Ran. And after Ta Ran made
2 his decision, then I wrote down that decision for brother Comrade
3 Kit.

4 Q. So in this particular case, do you remember who specifically
5 wrote to you? Do you remember the person who wrote to you? And do
6 you remember what <that person's> duties were?

7 A. It was Ta Chhaom who brought me that information that he
8 wanted to send it to the district but because I was closer to
9 him, that's why I brought that information to Ta Ran so that he
10 could make his decision. And after Ta Ran made that decision, I
11 wrote it down and then I relayed it to brother Comrade Kit.

12 Q. What were Ta Chhaom's duties? Was he heading a cooperative, a
13 commune? What exactly was his position?

14 [13.58.49]

15 A. Ta Chhaom was commune chief.

16 Q. <Of> which commune? <Of> which commune?

17 A. It was Angk Ta Saom commune.

18 Q. Fine. In your answer, you say, "I ordered Comrade Naom
19 (phonetic)"<, that is what I am reading in French in any case>.

20 Who is Comrade Naom (phonetic)?

21 A. I <don't see it in my> documents<. What is the document
22 number?>

23 Q. It is possible that it is 'Nom', 'Nium' or 'Nuon'. Can you
24 read anything that looks like '<Noum>'?

25 A. The name is Chhaom.

1 Q. Very well. Who is that person? Is that the same <-- is it the>
2 person who wrote to you? Is the person called Chhaom the <same>
3 person who sent you the report?

4 A. It was the same person. The person named Chhaom who signed
5 above that information from Angk Ta Saom was the same person that
6 I wrote in that brief letter.

7 [14.01.27]

8 Q. Very well. I have another question for you. You wrote<, "I
9 ordered> Comrade Chhaom to send them to the police of District
10 105." Who are you referring to when you talk of the police of
11 District 105?

12 A. District <> Police <105>, it was a place where they examined
13 and they interrogated people who were sent to that place.

14 Q. Where was that police station situated?

15 A. As far as I know, there was a place where the police stayed.
16 It was to the west of the district office and also to the west of
17 Angk Roka. It was in a small house. Two or three <> small houses
18 <with sugar palm roof. I did not know the location but they were
19 to> the west of Angk Roka <office, Angk market of> the current
20 time. <>

21 Q. Who was in charge of that police office?

22 A. I don't remember any name until today. It was not that I am
23 reluctant but I don't remember. I don't recall any name now.

24 [14.04.12]

25 Q. Very well. I will backtrack a little and read out a passage

1 from the record, <in any case the segment> which <appeared to me
2 to> be relevant. This is what it says:
3 "Regarding the situation of the youth attached to the youth
4 assembly unit." In French we call it "The Concentration Unit",
5 but I believe that in English it is referred to as "The Youth
6 Assembly Unit". "The head of that unit instigated little children
7 to steal. He was called Phoung Phalla. When he was in Phnom Penh,
8 he committed crimes <> and stole. <When we> arrested him,<we>
9 sent him to prison. He orchestrated a plan ordering Pen Aun to
10 continue stealing. <Pen Aun planned> to punch holes in bags of
11 <husked> rice <in order to collect the rice and cook it> but he
12 <was> arrested and brought to the re-education site. <May Angkar
13 take heed. Please keep me up to date with whatever> Angkar
14 decides."
15 Let me point out that in the report you received, <it states that
16 a person attempted to steal> rice <and that that person> was sent
17 to the re-education site in the commune. Where <was> that
18 <commune> re-education site located? Is that centre for
19 re-education the same thing as the District 105 police station?
20 [14.06.11]
21 A. So, <in> your reference<, what is the commune?>. Were you
22 referring to Angk Ta Saom? Which place are you talking about?
23 Q. Mr. Witness, I have read out to you the report that was sent
24 to you. In that report, it is said that Phoung Phalla was sent to
25 the re-education centre of the commune. That is indeed what I

1 read in French. In English, it is referred to as a re-education
2 site. Now, what is this commune re-education site they are
3 referring to? Where was it situated?

4 A. <The commune's re-education> in Angk Ta Saom. I don't know the
5 place. I don't know where the Angk Ta Saom re-education centre
6 was but <this re-education> was for minor offences, including
7 stealing<. For this reason, I went to> discuss with Ta Ran. And
8 Ta Ran decided to send them to the district's <re-education>
9 centre which <was to the west of> Angk Roka. It was for
10 re-education of the light offenders. And after discussion with
11 Comrade Ran, I wrote to inform Brother Kit in the sentences and
12 phrase that you have just read to me <dated 18 October>.

13 Q. So there was a re-education centre or office at Angk Ta Saom.
14 There was a police office of District 105 next to the Angk Roka
15 pagoda. What became of people who were sent to the District 105
16 police station? Were they <detained> or <did> they work outside
17 of that office?

18 [14.09.10]

19 A. Those light offenders were re-educated while they were made to
20 do labour every day and they were interrogated. That's all I knew
21 about the centre.

22 Q. Mr. Witness, what you are telling us therefore is that when
23 someone was the subject of a report or if that person committed a
24 light offence, you yourself went and took stock of that fact in
25 the sector office <in Ta Ran so that those in the office would

1 then inform you of how best to proceed and that the person
2 concerned would be> sent to the 105 district office for
3 re-education; is that what you're saying? All offences, even
4 light offences, had to be the subject of a report. That report
5 was sent to the sector office and that sector office would then
6 decide <> where to send them. Have I properly understood your
7 testimony?

8 [14.10.32]

9 A. Yes, you are correct. I would simply follow Ta Ran's order.

10 Q. Did you often go to report to Ta Ran?

11 A. It didn't happen every day. It was happening from time to
12 time.

13 Q. And what happened if they <deemed> that the person concerned
14 hadn't committed a light offence but a serious offence, where
15 would such a person be sent to?

16 A. I don't know the detail about that. But <I knew they were
17 sent> to the west of Angk Roka market, <the re-education centre,
18 and> the district police centre. I don't know the decision made
19 by that office to further send the person to another place. It is
20 beyond my knowledge. I don't know.

21 Q. What was the difference between a light offence and a serious
22 offence? What was a light offence and what was a serious offence?

23 A. I would like to consult with my duty counsel, Your Honour.

24 [14.13.21]

25 MR. PRESIDENT:

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1 You may proceed, Witness.

2 (Short pause)

3 [14.14.48]

4 MR. PRESIDENT:

5 Mr. Witness, you may respond to this question because this is a
6 kind of question that will not incriminate you when you respond.
7 So you testified to some extent as regards light offence and
8 serious offence; you can give an example before the Chamber to
9 make the distinction between light offender and serious
10 offenders. Your consultation with your duty counsel is only for
11 those questions that may lead to incriminate yourself when you
12 respond or you make any assertion, so you may give the answer to
13 this question.

14 MR. NEANG OUCH:

15 A. Light offence including stealing of rice or cassava and moral
16 misconduct or laziness were considered as light offence. And when
17 the person committed a <spying> activity in form of CIA agent or
18 KGB agent, they would be considered as serious offenders.

19 [14.16.29]

20 BY JUDGE LAVERGNE:

21 And when someone was accused of a serious offence, where would
22 that person be sent to and who decided where <that person> would
23 be sent?

24 MR. NEANG OUCH:

25 A. The district security office who would send them <> and they

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1 also requested the sector office and then they sent the people to
2 the security or to the re-education centre for serious offenders
3 but I don't know where it was. So, it fell under the district
4 security office.

5 Q . You did not know <where> the <centre was located or> the
6 location of the district security office, but do you at least
7 know the name of that office?

8 [14.18.21]

9 A. I heard people saying <the name>, An.

10 Q. So, An was the person in charge of that centre; correct?

11 A. Yes.

12 Q. Did you hear the name Krang Ta Chan?

13 A. To be honest, Krang Ta Chan -- I did not know where Krang Ta
14 Chan was <> during the regime. It was <not> until the <war> with
15 the government <ended,> and then there was <> radio broadcasts
16 and it later became the museum of Krang Ta Chan. And then I
17 <realised that it was called Krang Ta Chan. Up to the current
18 time, honestly,> I don't know where it <is>. When I was working
19 at Leay Bour, I would travel only up to Angk Roka area. <>

20 Q. I'll try to sum up what you have said this afternoon. You have
21 stated that when you received reports from commune chiefs, you
22 yourself relayed the reports to the sector office and the sector
23 decided what would be the outcome of such reports. And the
24 outcome of such reports could have been to send the people
25 concerned to the re-education centre or to the 105 police station

1 or to the security centre at Krang Ta Chan. Is that indeed what
2 you <are telling us>?

3 [14.20.49]

4 A. All answers were decided by Ta Ran who was Sector secretary. I
5 was <> the only person who reported to him and I did everything
6 <on> his orders. This is my short answer for you. So, when he
7 ordered me to send anything or anyone to any place, I would ask
8 the district militia to implement that order.

9 Q. Did it sometimes happen that you were ordered <> to sweep
10 clean prisoners?

11 A. No, I was not ordered to sweep clean any prisoner.

12 Q. Now sir, I would like you to <reread> document E3/4093. Unless
13 I am mistaken, you have just acknowledged that you signed that
14 document and that that document was written <by you, yourself>. I
15 will therefore read it out to you.

16 "Dear Brother Chhoeun, beloved, regarding prisoners of Cheang
17 Tong commune, I seek your authorisation to take children who are
18 still with their mothers. <If the children were older, they would
19 have to be sent to> the mobile unit <and the mother's unit --
20 the> children's unit<. As soon as they arrive, they must then
21 remain there waiting. We> take just the mothers. If those
22 children cannot be separated from their mothers, <they should
23 also be brought quite simply. Once the> interrogation <is
24 completed, thoroughly> sweep them all clean. As for the widows
25 from <North> Trapeang Thum <>, who are currently staying at the

1 place of Comrade Meng, I request <of you to thoroughly> sweep
2 them all clean."

3 That, in my view, contradicts what you have just told us. So tell
4 us, yes or no, did you receive instructions from the sector to
5 sweep clean certain prisoners?

6 [14.24.22]

7 A. I received order from Ta Ran. Ta Ran discussed with Sam Bit
8 and he ordered me <> to write it <so>. So I wrote based on his
9 dictation but I did not do anything like sweep them all clean in
10 my own <> decision. No, I never did that. If I refused to follow
11 the order from Ta Ran and Ta Bit, I would <also> be in danger.
12 <This is my honest answer>. If I did not write following his
13 dictation of these words, I would be in trouble at the time.

14 [14.25.28]

15 Q. So what you're telling us is that you forwarded the
16 instructions that mothers be killed, that very young children who
17 could not be separated from their mothers be killed. You are
18 saying that you did not kill those children yourself but you
19 forwarded the instructions in order that those orders be carried
20 out; is that indeed what you're saying?

21 [14.26.06]

22 A. I was the one who conveyed the order or <> words <from> Sam
23 Bit and Ta Ran who already made the decisions. So, I was writing
24 but I wrote as dictated by Ta Ran and Sam Bit. <>

25 Q. So all those people committed serious offences. Children and

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1 <infants> who were still in their mothers' arms had committed
2 serious offences?

3 [14.27.16]

4 A. I had to <> follow the order from Ta Ran and Sam Bit. But to
5 any further details, I don't remember them all now.

6 Q. Did you obey those orders out of loyalty because you were a
7 good and faithful member of the Kampuchea Communist Party? Or
8 <did you obey> those orders because you were afraid of suffering
9 the perilous consequences yourself <if you didn't>?

10 A. I did this for fear of my life because my brother who
11 disappeared was my example during the regime.

12 Q. Why did Ta Ran <himself> not sign the reports you handed to
13 him <>? Why did Ta Ran, to whom you <reported>, not sign <the
14 reports and the instructions that he himself could issue>? Why
15 would he <allow> you to sign his instructions?

16 A. He made an oral order to me and ordered me to dictate his
17 order because <his literacy was very limited>.

18 [14.29.47]

19 Q. So, it is because he did not know how to write well that he
20 would allow you as <the> intellectual at Tram Kak to write the
21 instructions to kill the mothers and children? Is that really the
22 reason; because he did not know how to write well? And because he
23 did not know how to sign <either>?

24 A. <Since he was not fully literate>, that's why he ordered me to
25 write it.

1 Q. Fine. We will bring up other issues now. I would like you to
2 tell <us>, sir, when they began calling you San or Ta San?

3 A. I cannot recall the date or when I was known by that name.
4 People in Kaoh Andaet also called me San <> and when I moved to
5 Tram Kak, they also called me San.

6 Q. So during the entire period of Democratic Kampuchea, you were
7 only known as San or Ta San? Or were you also known as someone
8 else under another name?

9 A. I was only known as San. They did not know my birth name <>,
10 Neang Ouch.

11 [14.32.17]

12 Q. And at the Tram Kak district level, were there other cadres
13 also called San <>?

14 A. There were people by that name in other communes, though I
15 cannot recall the name of the commune.

16 Q. Were <there> people, cadres, working at the district level and
17 who might have reported to the sector as you <yourself did>? And
18 <a person> who would have gone by the name San?

19 A. No. I already stated that there were men by that name at <>
20 communes but I cannot recall the name of those communes.

21 Q. And these other people, would they report to the sector?

22 A. I did not know.

23 Q. Fine. And when you were at the district, did you sometimes
24 receive written instructions from the sector?

25 A. I never received any written instruction with a signature from

1 either Ta Ran or Ta Bit. They would come to my place or called me
2 to go to their place and relay their instructions. The
3 instructions <or orders> did not exist in a written form. They
4 never did that.

5 [14.35.01]

6 Q. This morning you answered a certain number of questions that
7 were put to you by Judge Fenz regarding the ties that you might
8 have had with Ta Mok's family. So first of all, I would like to
9 clarify <an> aspect here. What is the name of your wife? And was
10 your wife Ta Mok's sister or was she one of Ta Mok's daughters?

11 A. My wife's name is Ung Koeun. She is the younger blood sister
12 of Ta Mok, not his daughter.

13 Q. So, you are Ta Mok's brother-in-law. And aside from this
14 <link,>, were you also <cousins>? Did you have common aunts? Did
15 Ta Mok's mother have any ties with your family?

16 A. I was the younger brother in-law of Ta Mok and I did not have
17 <blood> relations <with Ta Mok because my birthplace is in Kandal
18 and Ta Mok's in Takeo. We were not of blood relation, but> we
19 were only related in the name of the in-law because I married his
20 younger sister.

21 [14.37.07]

22 Q. Well now, I would like you to provide me with the names of the
23 other sisters of Ta Mok as well as the names of his brothers. And
24 I'd like you to tell me which position they held during the
25 Democratic Kampuchea period. So, first tell me about his sisters

1 aside from Koeun, your wife.

2 A. The younger sibling of Ta Mok, name Ta Chok, he passed away.

3 And <> the next younger brother <> of Ta Mok was Cham. Cham also
4 died. And following Cham was Poun, his sister, and she also died.

5 And after Poun was Koup (phonetic), another younger sister, she
6 also died. And then comes my wife, that is, Koeun, and <> there
7 is another one Ung Ken, the youngest sister. And that is all.

8 Q. And does the name <Ke Pauk> ring a bell?

9 A. I heard of the name <Ke Pauk>.

10 [14.39.34]

11 Q. And whom did <Ke Pauk> marry?

12 A. I did not know whom <Ke Pauk> married to because I did not
13 know him.

14 Q. So you told us that there was a brother called Chok who died.
15 Did he die during the Democratic Kampuchea period or did he die
16 afterwards? Same thing for Cham; did he die before, during or
17 after the Democratic Kampuchea period? And the same for the
18 others -- the other brothers and sisters.

19 A. Ta Chok died when Vietnamese soldiers entered Cambodia in
20 1979. And Cham <or Brother Cham> also died in the same year <in>
21 1979. <Another sister, Poun, <> only died <a> few years ago from
22 illness. And Koup (phonetic) died about three years ago from high
23 blood pressure.

24 Q. And was your wife or one of your sisters-in-law at the head of
25 the District 105 hospital?

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1 A. No.

2 [14.41.56]

3 Q. Can you tell us what kind of positions your brothers and
4 sisters-in-law had during the Democratic Kampuchea period? Cham,
5 Chok, Poun, Koup (phonetic); what were their positions? <Did they
6 have certain> duties?

7 A. Ta Chok was in charge of Prey Kabbas district<, but> I did not
8 know his real position at <> Prey Kabbas district. As for
9 <Brother> Cham, Cham was in charge of <Khpob Trabaek> (phonetic)
10 commune in Tram Kak district. As for Poun and Koup (phonetic) and
11 my wife, these three sisters did not hold any positions during
12 the DK period. They were simply housewives.

13 Q. So, we know that you said that Ta Mok's daughter, or one of Ta
14 Mok's daughters Khom -- Yeay Khom was at the head of District
15 105, and you provided us with a certain number of names of people
16 who <too> were at the head of District 105. Can you tell us if
17 the following names correspond to cadres in District 105: Ta
18 Keav, was Ta Keav at the head of District 105?

19 [14.44.13]

20 A. Ta Keav was within the District 105 committee. And that
21 happened since 1970 or 1971. And after 1971, I did not know what
22 happened there because I was transferred to Kaoh Andaet district.

23 MR. PRESIDENT:

24 The time is convenient for short break. We take a break now and
25 return <> 3 o'clock <>.

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1 Court officer, please assist the witness during the break and
2 have him return as well as his duty counsel at 3 o'clock.

3 The Court is now in recess.

4 (Court recesses from 1445H to 1501H)

5 MR. PRESIDENT:

6 Please be seated. The Court is now back in session and again I'd
7 like to hand the floor to Judge Lavergne. You have the floor
8 Judge.

9 [15.02.02]

10 BY JUDGE LAVERGNE:

11 Thank you, Mr. President. With your leave, I would like to show
12 the witness a document, it is document E313.1.18 <(sic)>. It is a
13 record of the witness interview, 2-TCW-809.

14 Q. Witness, I would like you to start by looking at the name of
15 the person who was interviewed according to that record and tell
16 us whether you know that person?

17 MR. NEANG OUCH:

18 A. I know this person, Pech Chim.

19 Q. I had <tried to make sure that> the name of that person
20 wouldn't be revealed but on the other hand it facilitates
21 matters. So you are telling us that you know Pech Chim. <How long
22 have you known him for>?

23 A. I knew him even earlier than 1970 because his native village
24 was not far from the village of my wife.

25 [15.04.28]

1 Q. Did Pech Chim, at any point in time, act as your <deputy or as
2 your> assistant?

3 A. <This Pech Chim was different one.> When I came to Tram Kak
4 district in 1977, Pech Chim was not in Tram Kak district <yet>.

5 Q. Were both of you part of the front <at the same time?> That
6 is, <the United Front or the> United Resistance Front? You said
7 that you were a member of <a Front> when you arrived in Tram Kak.

8 [15.05.40]

9 A. I cannot recall that. I recalled that I was a member of the
10 <National Liberation> Front. As for him, I am not sure whether he
11 was a member of the front or not. Initially he worked in Tram
12 Kak, however, after the war ended, <> he went to work at a rubber
13 plantation in Kampong Thom, in Srae <Andoung>, or something like
14 that.

15 Q. He says, in answer number 9 in the record of the interview,
16 that <he -- that> you came to Tram Kak district to supervise <the
17 105 teachers -- I believe that it was the teachers> of District
18 105, and <that> he worked as your assistant. <Can you see> answer
19 number <9?>

20 A. That is not correct. I <never supervised teachers> in Tram Kak
21 district.

22 MR. KOPPE:

23 Excuse me. I am not sure if you were referring to E3 - E313.1.18
24 <(sic)>, question 9. Is that correct?

25 JUDGE LAVERGNE:

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1 Let me clarify matters because the interpreter didn't hear the
2 reference you've given me <so that complicates things>, but I'm
3 referring to document E313.1.18, <E313.1.18 (sic)>, answer number
4 9.

5 MR. KOPPE:

6 I have a different English translation. I read 105 teachers.
7 [15.08.30]

8 BY JUDGE LAVERGNE:

9 In French it says that 105 teachers, <but it's> an
10 interpretation, perhaps I'm wrong, but I believe they are talking
11 of teachers in District 105. Perhaps my other colleagues who
12 speak Khmer can tell us what the exact situation is? Apparently,
13 what is on that record corresponds to what I'm saying. In any
14 case, <that is not the most important issue at hand here,> let us
15 look at answer number <17>. Witness TCW-809 is asked to describe
16 the administrative structure of the Southwest Zone in 1975 and I
17 will read out that answer, Witness, and you tell me whether <it
18 is in line with your recollection of the events>.

19 In 1975, Ta Mok was the committee chief of the Southwest Zone.
20 There <were> several regional committees, but I only knew that of
21 my region." I believe we can replace the word region by the word
22 sector. "The number of that sector was 13. <There> we had Saom,
23 nicknamed <Than,> he was the secretary, his assistant was called
24 Phen (phonetic). Meas Muth was a member of the committee of my
25 region." At this stage, Witness, does this <tie in with your

1 recollection of the events>?

2 [15.10.44]

3 MR. NEANG OUCH:

4 A. Yes. What you read out is correct.

5 Q. <I shall> press on with the reading. Now we'll talk about the
6 district. The district committee consisted of a chief, Khom, we
7 <spoke about him> (sic) earlier, a deputy chief, Keav, one member
8 Nhev (phonetic). Does this also <tie in with your recollection of
9 the events>?

10 A. I only knew about Khom and Keav<.> And as for Nhev (phonetic),
11 to my recollection, Nhev (phonetic) was with the army but I did
12 not have a full grasp as <how> the administrative structure <was
13 established>.

14 [15.11.59]

15 Q. Next, Witness 809 gives us a number of names of commune
16 chiefs. The chief of Trapeang Thum commune was called Pech Nuo
17 (phonetic) and he points out that that person was his elder
18 brother, his assistant Kit Chay (phonetic), <but> that person
19 died. The chief of Cheang Tong commune was called Boeun, he was
20 married to Chorn, <this man> is deceased. The chief of Popel
21 commune was called Khav (phonetic), deceased. There was also Khun
22 (phonetic), also deceased, he was one of the <younger> brothers
23 of Khav (phonetic) and worked as his assistant. The chief of Ta
24 Phem commune was called Neat (phonetic) deceased and Kit, also
25 deceased. Kit was his assistant. The chief of Leay Bour commune

1 was called Oeun (phonetic) -- I'm <sure I'm> pronouncing it very
2 badly. The chief of Samraong commune was called Chun (phonetic).
3 The chief of Kus commune was called Saing (phonetic). I do not
4 know whether he is still alive. His assistant was called Phun
5 (phonetic). The chief of Nhaeng Nhang commune was called Sy
6 (phonetic). The chief of Srae Ronoung commune was called Kim
7 (phonetic). Now tell me, do all these names ring a bell? Or do
8 they correspond to what you remember?

9 [15.14.15]

10 A. I do not know Nuo (phonetic), as for <Ty Chay (phonetic)>,
11 it's the same thing, I don't know. I knew another Ta Chay <> who
12 was a <Tram Kak district> secretary. But I do not know his full
13 name <>. As for Boeun, female, I knew her and I also knew Chorn,
14 her husband. As for Khav and Khoeun, I knew them but I did not
15 know about their positions at Popel commune. And Ta Phem commune
16 chief <alias> Nith, probably this person Nith was the husband of
17 Poun <>, my elder sister-in-law. And for the other two names
18 <like Keh (phonetic) and Khauch (phonetic)>, I do not know
19 <them>. I also do not know <Choeng (phonetic) and Honh
20 (phonetic). In short>, when they established this administrative
21 structure, I was no longer there. <I was already in Koah Andaet.>

22 [15.15.43]

23 Q. Very well. When you returned, who were the cadres who were in
24 place? Can you give us the names of the cadres <with whom you
25 acquainted yourself> when you were in Tram Kak district?

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1 A. I recall that for Popel commune, it was Chorn, the husband of
2 Boeun. And for Leay Bour commune it was Keh (phonetic), but the
3 person deceased around 1980 or '81 at Damrei Romeal mountain. The
4 chief of Kus commune, Seun (phonetic) and I cannot recall the
5 name of the chief of Nhaeng Nhang commune. For Srae Ronoung
6 commune, it was Khun, the chief. That's all I can recall. And for
7 Angk Ta Saom commune, it was Ta <Chaom> who was the chief.

8 [15.17.38]

9 Q. Regarding the district committee, <do> the names Ta Chim and
10 Ta Kit ring a bell?

11 A. I know Ta Kit and Ta Chim.

12 Q. Were they brothers?

13 A. I don't know. They lived in the same village but I did not
14 know whether they were related. And in fact, they also lived in
15 the same village that I lived but I did not know about their
16 relationship as blood brothers or not.

17 Q. What precise functions did they occupy at the level of the
18 district?

19 A. I knew that Ta Kit was a district secretary. As for the
20 Brother Chim, I did not know his real function.

21 [15.19.38]

22 Q. Who replaced Ta Kit when he left?

23 A. The replacement <of Ta Kit> was Ta Chay.

24 Q. Did Ta Chay remain in place up till the end of 1979? Or he
25 also left at a certain point towards the Northwest region?

1 A. Ta Chay left for the Northwest Zone and, to my knowledge, that
2 happened around late 1977.

3 [15.20.58]

4 Q. Who replaced Ta Chay?

5 A. Nobody replaced Ta Chay. Ta Ran <> who was at the sector, came
6 to supervise Tram Kak district directly. Yeay Boeun <and I were
7 the assistants to Tram Kak district since> I arrived <there> in
8 June 1977.

9 Q. So you were direct assistants to the chief of sector?

10 A. At the beginning, I was an assistant to Tram Kak district,
11 however, when the sector <level> directly controlled the
12 district, I did not know for sure of my position, because there
13 was no official announcement in regards to my position there. I
14 was not an assistant to the sector because since there was no
15 official announcement<. For that reason,> I still considered
16 myself as an assistant to the Tram Kak district.

17 [15.23.05]

18 Q. Very well. As assistant of Tram Kak district, did you hear the
19 names of the following cadres: Iep Duch? That name doesn't appear
20 on the record of the interview <so don't read it> because you
21 won't find <his name> in there. Did you hear of a cadre called
22 Iep Duch who was in charge of the youth in the district?

23 A. I never heard of a name Iep or a name Duch. Are you referring
24 to one person - Iep Duch? Or referring to two different
25 individuals?

1 Q. I'm referring to <just one> person but I think he was known
2 rather by the name Duch. Did you know any cadres or a cadre
3 called Duch who worked at <District 105>?

4 [15.24.34]

5 A. No, I don't know <> Duch there.

6 Q. Did you hear of a cadre called <Phy or Phi (phonetic),> who
7 was handicapped? He <especially had problems with his legs>.

8 A. I heard of a name Phy.

9 Q. What were Phy's functions?

10 A. Phy worked in the same office with An.

11 Q. <Which means what precisely?> What functions did he <> fulfil?

12 A. I did not know of his real function but he worked in the same
13 office that An worked.

14 Q. Can you tell us what Ta An did? Did you ever receive reports
15 written by Ta An?

16 [15.26.50]

17 A. I knew that Ta An was <the> chief at Krang Ta Chan but I
18 cannot recall whether I received any report from him.

19 Q. Did you hear of a cadre called Phan Chhen?

20 [15.27.34]

21 A. No, the name Phan Chhen does not ring a bell.

22 Q. Did you hear of a person called Kev Chandara, <Kev Chandara,>
23 alias Achar Yav?

24 A. No. That name does not ring a bell.

25 Q. I would like us to <backtrack somewhat and> talk about the

1 sector. You said you knew a person called <Ta Saom> alias Than.

2 You said he had an assistant called Phen <who you knew also> and

3 that Huot (phonetic) was also a member of the sector committee.

4 Did you hear of a person called Ta Prak?

5 A. I heard people talking about Ta Prak. That Ta Prak came to

6 Sector 13 and he was there before Ta Ran came. So a few months

7 later, he disappeared, <>Ta Ran came <to replace him>.

8 [15.29.30]

9 Q. And have you ever heard that Ta Prak was purged?

10 A. No, I never heard about that. I only knew that Ta Prak worked

11 there for two or three months and then he was replaced by Ta Ran.

12 Q. And did Ta Ran remain at the head of the sector until 1979 or

13 was he replaced by someone? And then why was he replaced?

14 A. Ta Ran remained at Sector 13 until the invasion by the

15 Vietnamese troops <in 1979>.

16 [15.30.52]

17 Q. And does the name Ta Tith ring a bell? Ta Tith?

18 A. Ta Tith is my younger brother-in-law who married to Ung Ken

19 who <was> the younger sister of Ung Koeun.

20 Q. And did Ta Ran ever have a car accident?

21 A. Ta Ran had a car accident though I cannot recall the year that

22 it happened. Ta Mok went to the Northwest Zone and he called some

23 cadres from the sector and zone levels to go and work at the

24 Northwest Zone, including Ta Ran, Ta Bit and other cadres whose

25 names I cannot recall, and when they returned from their trip,

1 they had a traffic accident in Pursat province <in Ou Tarai
2 (phonetic), crashing with a truck,> at a bridge in Pursat
3 province, and as a result Ta Ran had his leg broke.

4 Q. Fine. I would like to return to the written record of
5 interview, E319.1.18, and I would like to look at question 235.

6 And, <notably,> this question is put to the witness: "Who
7 <supervised> the Krang Ta Chan security centre between 1975 and
8 1979?" Answer: "It was Som and Muth. Both belonged to the sector
9 level which would supervise the centre. An was in charge
10 personally and Khom, the Tram Kak district secretary was aware of
11 this. Furthermore, between 1971 and 1972, Cheng also worked as
12 the head of this centre. In 1972 he was sent elsewhere."

13 So, can you tell us if this corresponds to your own take on the
14 situation <based on> what you saw?

15 [15.34.43]

16 A. My apology. I did not know about what you just read out as at
17 the time, I was at Kaoh Andaet <in '71,> and whether this <Chhen
18 (phonetic)> supervised the security office or not <in '71>, it's
19 beyond my knowledge. As for the other names, that is Saom and
20 Muth, here it reads that <> they took charge at the sector
21 level<? The sector level that took charge consisted of> Saom<,>
22 the chief or the secretary, <> Phen was <a> deputy <secretary>,
23 and Muth was a member in charge of the Sector 13 Army, and that
24 happened from 1970 to around 1973, then Meas Muth went to take
25 charge of the Zone Army <in 1973>.

1 [15.36.23]

2 Q. The Witness says -- Witness 809 <as it happens>, is that that
3 those in charge of the sector would have direct control over the
4 Krang Ta Chan Security Centre. Does that correspond to your take
5 on the situation? Was the security centre at Krang Ta Chan under
6 the control of the sector?

7 A. During 1970 and '71, I didn't know about that. I knew that
8 Saom was the sector secretary, Phen was deputy and Muth was a
9 member. <Regarding> their supervision <over> the security centre
10 from the sector <committee>, I had no idea, but when I <> became
11 the assistant, <regarding all work, I sought consultation with>
12 Ta Ran.

13 [15.37.57]

14 Q. This is what Witness 809 says. At answers 236 and 237.

15 Question. "Did An <supervise> the Krang Ta Chan Security Centre
16 until the end of the Khmer Rouge regime?" Answer. "Yes, An was in
17 charge of this security centre until the end of the Khmer Rouge
18 regime." Question. "As a member of the district committee, did
19 you have any contact with the Security Centre or with An?"

20 Answer. "No, not at all. When there were problems, I would
21 directly go to the sector level."

22 So, does that correspond to the situation that you <yourself>
23 experienced when you were a district deputy -- that is to say,
24 that when there were problems, <where did you have to report to
25 at> the sector level?

1 A. When Pech Chim was there, I <didn't> know the way of his
2 <communication>, but when I was there I made direct contact with
3 the sector office.

4 [15.39.32]

5 Q. So other questions are put to this Witness, <the following was
6 put to him:>

7 "You are telling us that Krang Ta Chan <Security Centre> was
8 under the direct supervision of the sector. A certain number of
9 written documents indicate that Tram Kak district was in direct
10 contact with this centre. As far as you know, did Tram Kak
11 district liaise with the Krang Ta Chan Security Centre in writing
12 or not?" Answer. "Yes. The centre would send reports to the
13 district, which would then forward them to the sector through its
14 messengers. Sometimes the Krang Ta Chan Security Centre would
15 send, through its messengers, reports to the sector directly."
16 So does this <also> correspond to what you experienced when you
17 were a district deputy?

18 A. These answers <are> corresponding to my work as the assistant
19 to the district office.

20 [15.41.09]

21 Q. What kind of reports would you receive from the Krang Ta Chan
22 Centre?

23 Mr. NEANG OUCH:

24 Your Honour, could you please repeat your question?

25 JUDGE LAVERGNE:

1 Q. Yes. What kind of reports would you receive from the Krang Ta
2 Chan Security Centre to be - or maybe, I can be more precise.
3 Would you sometimes receive reports containing the confessions of
4 prisoners <detained> at Krang Ta Chan? Would you receive prisoner
5 lists, lists of prisoners who were brought to Krang Ta Chan?
6 Would you receive list of prisoners who had been executed at
7 Krang Ta Chan?

8 Mr. NEANG OUCH:

9 A. I forget some things, but I understand that I <had> never
10 received any prisoners list from Krang Ta Chan nor did I receive
11 any execution list of prisoners from Krang Ta Chan.

12 Q. Fine. Let's turn to another topic. Are you aware of the way
13 that the District 105 hospital was managed? <> How was healthcare
14 managed in District 105?

15 A. Tram Kak Hospital was at Wat Trapeang Kol as far as I
16 remember. <Treatment> based on all responding to the illness.
17 Traditional medicine <and modern medicine> were used for <> the
18 treatment. That's all I can tell you.

19 [15.44.27]

20 Q. How many <healthcare workers> were there? How many sick people
21 were there? How were the sick people fed? Who managed the
22 hospital?

23 A. The number of patients, number of staff, I don't remember
24 numbers, and I do not recall the name of the chief of that
25 hospital. For food and other meals, the supplies were given by

1 the district office.

2 [15.45.24]

3 Q. Did you receive reports? Or were you informed that some
4 patients at the hospital were suffering from malnutrition,
5 because they did not have enough to eat?

6 A. I did not receive any information like this, but within the
7 district, it might be that the district office who solved the
8 problem, who supplied the food <> to the hospital.

9 Q. Does the name Neary Neang, apparently Ta Kit and Ta Chim's
10 niece, ring a bell?

11 A. I heard the name you said Neary Neang, but I didn't know - did
12 not know whether she was the niece of Ta Kit or Ta <Chim>.

13 Q. Fine. I have a very last question regarding <clarification on>
14 visits, visits <> by foreign delegations. This morning, the
15 Prosecutor showed you a photograph. I can't find it, it seems,
16 but it's a photograph in which you recognized yourself, and this
17 photograph comes from a book that was written by Gunnar
18 Bergstrom. Gunnar Bergstrom was a member of a delegation from the
19 Marxist Leninist Communist Party of Sweden, and the photograph in
20 which you recognize yourself carries a caption in this book,
21 written by Gunnar Bergstrom.

22 And the caption states the leaders of the cooperative, so
23 Witness, were you the head or the Chief of Leay Bour cooperative?

24 A. I was not the chief or the leader at Leay Bour cooperative.

25 Q. So then who was the leader <or the Chief> of Leay Bour

1 cooperative?

2 A. I don't recall the name, but the commune chief was not serving
3 as the chief of cooperative <Leay Bour>, but in this photo the
4 one behind me, <this> photo, <looks blurred,> his name is Ta Khe
5 (phonetic). He was not the chief of the cooperative. Another
6 person was the chief of the cooperative, but I don't recall his
7 name now.

8 [15.50.15]

9 Q. I am now going to read out or reread because this document was
10 already read out by the Prosecutor. It's document E3/1339. My
11 apologies, because I only have the English ERN. This is, ERN
12 00168350 to 51; Khmer, 01063905 to 07; and this document is a -
13 is a FBIS report -- that is to say, a transcription of radio
14 broadcasts that were broadcast by the Phnom Penh National Radio
15 -- that is to say, the official radio of Democratic Kampuchea.
16 And in this broadcast the following is indicated.

17 "On the morning of 14 December 1977, Comrade Chen Yonggui and
18 other Chinese comrades left Takeo for Phnom Penh, and they were
19 accompanied by comrade party secretary," and unless I am
20 mistaken, I think <we can say that> this is Pol Pot, "Comrade
21 Ieng Sary, Vorn Vet and by Thiounn Thioeunn."

22 [15.52.25]

23 And it's also stated that Ta Mok accompanied them to the limits
24 of the sector and the following is said, and I will read it in
25 English because there is no French version.

1 "On their way to Phnom Penh, the Chinese comrades stopped to
2 participate in a mass meeting at the Leay Bour cooperative. On
3 <their> arrival, Comrade Chen Yonggui and other Chinese guests
4 were warmly applauded and welcomed by the masses, and many male
5 and female youth. The representative gave a history of the
6 cooperative from the period of the war for national and popular
7 liberation to the present post-liberation phase of National
8 defence and construction under the CPK correct and clear-sighted
9 leadership."

10 Witness, are you the representative who is mentioned in this
11 <broadcast>, which describes the history of the cooperative, to
12 Comrade Chen Yonggui?

13 A. I made a presentation to Chen Yonggui about the history of
14 cooperative at the instruction of Ta Ran to <> do that on behalf
15 of the cooperative chief, but in fact, I was not the chief of
16 that cooperative <and I was not a commune chief either>. But in
17 this visit, I saw only Chinese guests. I didn't see Mr. Pol Pot,
18 Ieng Sary or Ta Mok. They might have been returning to Takeo
19 before they <went> to Phnom Penh<;> because during that event, I
20 saw only the Chinese guests. Some other Cambodian staff, I think
21 they were from the Ministry of Foreign Affairs who accompanied
22 foreign guest to make a visit to that cooperative.

23 [15.56.08]

24 Q. <In> any case what's sure is that the presentation that was
25 given, <in theory,> of the cooperative, focused on all of the

1 positive aspects, and on the wonderful results that this
2 cooperative had achieved which apparently enjoyed a workforce of
3 more than 9,000 people, 4,000 hectares of harvestable land and
4 3,000 hectares of rice paddies, including 600 hectares that would
5 produce two harvests per year. So does that correspond to what
6 you remember?

7 A. In fact, in that cooperative reflects to what you have just
8 described. So, as I told the Court earlier, we achieved the plan
9 of 3 tonne per hectare <along Road 25 from Takeo to Angk Ta Saom,
10 in Leay Bour cooperative,> on the <> south and <> the north of
11 the road, reaching to the rail track.

12 [15.57.49]

13 Q. Witness, were you working at Leay Bour cooperative on 25
14 September 1978?

15 A. In December 1978, the forces <> were <already> withdrawn,
16 including myself <from Leay Bour>, fled into the jungle. <These>
17 forces -- here I referred to <> the manpower who carried no
18 weapons< -- they were not fighting forces>.

19 Q. Let me interrupt you. I am not speaking about December. I am
20 speaking about September 1978. So, in September 1978, were you
21 working at Leay Bour cooperative? And did you welcome <a>
22 Japanese delegation then that was led by His Excellency, Kozo
23 Sasaki?

24 A. No, no. I did not <> receive any Japanese delegation.

25 Q. So, I would like to speak about another FBIS report, <E3/294>,

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1 that describes his visit, and that says that the head of the Leay
2 Bour cooperative gave a presentation on the <running of the>
3 cooperative, ERN 00170173 to 74. Witness, do you remember having
4 received <not just American journalists but also> a delegation of
5 members of the Marxist Leninist Communist Party of the United
6 States, a delegation led by person called Dan Burstein?

7 A. Talking about receiving foreign delegation, I have responded
8 to the Chamber<.> I received only two delegations, including the
9 <Swedish> journalists <prior to> the Chinese delegation Chen
10 <Yonggui>. I did not receive any American delegation.

11 [16.01.34]

12 JUDGE LAVERGNE:

13 Very well, for the transcript let me point out that we have <a>
14 report of that visit by Mr. Dan Bernstein, and this is document
15 E3/707 and <more precisely> the ERN is S00049307 to <309>.

16 Mr. President, I have no further questions for the Witness.

17 MR. PRESIDENT:

18 Thank you, Judge Lavergne. The proceeding today is appropriate to
19 adjourn and it will be resumed tomorrow from 9 o'clock in the
20 morning <on 11 March 2015>. In tomorrow's proceedings we will
21 continue to hear the testimony of Neang Ouch, and all Parties are
22 invited to the hearing.

23 [16.02.32]

24 Witness, Neang Ouch, your testimony before the Trial Chamber has
25 not come into a conclusion, and you are invited to continue <>

1 your testimony tomorrow, and <now> you can return to <> the place
2 that you <are staying>.

3 Court officer <and WESU>, you are instructed to coordinate the
4 travel to his place of stay and have him <returned> to the
5 courtroom before 9 o'clock in the morning.

6 And Mr. Moeurn Sovann, the duty counsel, <> you are also invited
7 to accompany and be present in the courtroom tomorrow.

8 Security personnel are instructed to bring both Nuon Chea and
9 Khieu Samphan to the detention facility of the ECCC and have them
10 back to attend the hearing tomorrow before 9 o'clock.

11 The Court is adjourned.

12 (Court adjourns at 1603H)

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