



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

7 May 2015
Trial Day 279

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

The Accused: NUON Chea
KHIEU Samphan

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Samnang Nhem

I N D E X

MR. EK HOEUN ALIAS UL HOEUN (2-TCW-822)

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List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|------------------------------------|----------|
| MR. DE WILDE D'ESTMAEL | French |
| MR. KONG SAM ONN | Khmer |
| MR. KOUMJIAN | English |
| JUDGE LAVERGNE | French |
| MR. LIV SOVANNA | Khmer |
| THE PRESIDENT (NIL NONN Presiding) | Khmer |
| MR. SAMNANG NHEM | Khmer |
| MS. TY SRINNA | Khmer |
| MR. EK HOEUN (2-TCW-822) | Khmer |
| MR. VEN POV | Khmer |

1

1 PROCEEDINGS

2 (Court opens at 0905H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the testimony of a witness,

6 2-TCW-822, <via>a video link from Battambang province.

7 There seems to be a technical issue with the translation system.

8 (Technical problem)

9 [09.08.11]

10 MR. PRESIDENT:

11 Let me resume. Today the Chamber will hear the testimony of a

12 witness, 2-TCW-822, <via>a video link from Battambang province.

13 <The Greffier,> Ms. Se Kolvuthy, please report the attendance of

14 the Parties and other individuals at today's proceedings.

15 THE GREFFIER:

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

17 are present ,except Marie Guiraud, the International Lead

18 Co-Lawyer for civil parties, who is absent today and tomorrow due

19 to personal reasons, and Ven Pov<, a reserve lawyer,> has been

20 assigned in her place.

21 Counsel Koppe, the defence counsel for Nuon Chea, is also absent

22 today and tomorrow for personal reasons.

23 [09.09.25]

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

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

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1 been delivered to the greffier.

2 The witness who is to testify today -- that is, 2-TCW-822, will
3 testify via a video link from Battambang province. The witness
4 confirms that to his best knowledge or ability he has no
5 relationship by blood or by law to any of the two Accused -- that
6 is, Nuon Chea and Khieu Samphan, or to any other civil parties
7 admitted in this Case. The witness took an oath this morning and
8 there is no duty counsel assigned to him.

9 [09.10.15]

10 MR. PRESIDENT:

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

13 The Chamber has received a waiver from Nuon Chea, dated 7th May
14 2015, which states that due to his health -- that is, headache,
15 back pain, he cannot sit or concentrate for long and in order to
16 effectively participate in future hearings, he requests to waive
17 his right to participate in and be present at the 7th May 2015
18 hearing.

19 <The Chamber has>seen the medical report of Nuon Chea by the duty
20 doctor for the Accused at the ECCC, dated 7th May 2015, who notes
21 that Nuon Chea has severe back pain and dizziness when he sits
22 for long, and recommends that the Chamber should grant his
23 request so that he can follow the proceedings remotely from the
24 holding cell downstairs.

25 Based on the above information and pursuant to Rule 81.5 of the

3

1 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
2 follow today's proceedings remotely from the holding cell
3 downstairs via an audio-visual means.

4 The AV Unit personnel are instructed to link the proceedings to
5 the room downstairs so that he can follow the proceedings
6 remotely, and that applies for the whole day.

7 And the International Co-Prosecutor, you have the floor.

8 [09.12.09]

9 MR. KOUMJIAN:

10 Thank you, Mr. President; and good morning, Your Honours. I would
11 like to just bring up one short matter to Your Honours before we
12 begin with the witness. And that is that I am aware that Your
13 Honours have indicated that you will shortly issue a written
14 decision on the use of evidence that was obtained by torture in
15 this trial. We think that that's an extremely important issue for
16 this Court, for this trial, where torture is so at the centre of
17 the activities of the Khmer Rouge, and also it's important to the
18 international jurisprudence, international jurisprudence.

19 Although there have been some filings in the past, that was quite
20 some time ago and we submit that the Court may benefit from
21 hearing from the Parties on this issue now. And my preference, my
22 suggestion would be to have an oral hearing for a half hour or an
23 hour where the parties could be heard, or if Your Honours prefer,
24 it could be written. But I think it's a matter of great public
25 interest also, so I think an oral hearing would be of great

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1 interest to the public. We could do it today, but I notice that
2 several parties are missing and perhaps don't have notice, so I
3 suggest we do it after the Court break.

4 [09.13.33]

5 There's a couple of reasons why I think it should go forward.
6 First of all, it's been said in Court in the last week, a couple
7 of times by the Nuon Chea defence that they have filed as one of
8 their grounds of appeal in Case 002/01 a motion or a request to
9 admit torture tainted evidence. That's not correct. In their
10 notice of appeal in the 227 grounds, they have never indicated
11 that was a ground of appeal. They have never requested to amend
12 their notice of appeal. It is correct that they have filed
13 submissions in their written brief on that issue. The
14 Co-Prosecutors did not respond because it's not one of the
15 grounds of appeal. In the limited pages that we had, we responded
16 to what were grounds of appeal from the notices of appeal of the
17 Parties.

18 [09.14.35]

19 Also I note that the issue has been coming up a lot with past
20 witnesses in the past few weeks, but I would submit that all of
21 those questions that were asked were improper questions for other
22 reasons; they were irrelevant. So, for example, asking a witness:
23 "Are you familiar that Chou Chet in his S-21 confession
24 implicated you?" is irrelevant. What does it matter whether the
25 witness is aware of that or not? If the Defence wants to ask the

5

1 witness: "Were you a CIA, KGB, 'Yvon' spy?", they can ask that
2 question and the witness can answer. There is no reason at this
3 time to go into the issue of these confessions which the
4 Prosecution will -- continue to submit -- cannot be used by the
5 Defence to prove the truth of the matter asserted, because to do
6 so, first, they're completely unreliable; and secondly, it
7 encourages torture when you are allowing those who are
8 responsible for the torture to use confessions that they obtained
9 through torture to justify their torture and other killings. So
10 that's my request, is that we have an oral hearing after the
11 break on this issue or, if Your Honours prefer, written
12 submissions. Thank you.

13 (Judges deliberate)

14 [09.17.57]

15 MR. PRESIDENT:

16 Judge Jean-Marc Lavergne, you have the floor.

17 JUDGE LAVERGNE:

18 (No interpretation)

19 MR. PRESIDENT:

20 Judge Lavergne, please repeat your question as there is a
21 technical issue with the interpretation system.

22 JUDGE LAVERGNE:

23 Yes, thank you, Mr. President. My question was for the
24 International Co-Prosecutor. How much time will be necessary <to
25 dedicate to>this matter regarding the use of evidence that

6

1 <likely>was obtained under torture? And my second question<is the
2 following>:Are you simply considering a discussion here in the
3 courtroom or do you also wish to have the possibility of filing
4 written submissions? It might be important for us, especially
5 since the issue might be a bit <sensitive>, that we have <both>an
6 oral discussion as well as written submissions.

7 [09.20.18]

8 MR. KOUMJIAN:

9 Thank you. Your Honours, I envisioned an hour, or one session for
10 the public hearing, and we would be happy if it's helpful, and I
11 think it might be, to also file written submissions. And just to
12 explain the complexity, it is the Co-Prosecutor's position that
13 there are many uses of these confessions that are admissible,
14 particularly against the torturers. And further, there's a very
15 delicate question, I think a complex question, of when the Court
16 would make the determination that a statement was the product of
17 torture and we want to submit on that, what would be the
18 sequence.

19 MR. PRESIDENT:

20 Thank you. The Chamber also deems the issue of evidence obtained
21 by torture <to be> of a <tricky and>critical nature and we
22 actually had quite a long discussion on this issue when Counsel
23 Koppe put a question to the witness in relation to evidence
24 obtained by torture. And the Chamber will consider the proposal
25 put by the International Co-Prosecutor, and we will deliberate

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1 the issue amongst ourselves and will inform the parties in due
2 course, and we thank you<, the International Co-Prosecutor,> for
3 <raising this very important and interesting question>.

4 [09.22.12]

5 QUESTIONING BY THE PRESIDENT:

6 Good morning, Mr. Witness. Can you hear me clearly?

7 MR. EK HOEUN:

8 A. Yes, I can.

9 Q. Thank you. And what is your name?

10 A. My name is Ek Hoeun.

11 Q. Please repeat your name.

12 A. My name is Ek Hoeun.

13 Q. Is it Ek Hoeun?

14 A. Yes.

15 Q. And who is Ul Hoeun?

16 A. In fact Ul is my grandfather's name and Ek is my father's
17 name.

18 [09.23.21]

19 Q. What is your official name, Mr. Witness?

20 A. My official name is Ek Hoeun; however, the registrar did not
21 ask me <and made an assumption>and used Ul Hoeun for my name.

22 Q. That clears the matter. Then let we stick to your official
23 name -- that is, Ek Hoeun.

24 And when were you born, Mr. Ek Hoeun?

25 A. No, I cannot recall my date of birth. I only recall that

1 during the time when I was born and I grew up, it was the wartime
2 around the Issarak era.

3 Q. What is your age now?

4 A. I am 78 now.

5 Q. Thank you. Where is your place of birth?

6 A. When I was young I lived in Trapeang Prei village, Trapeang
7 Thum Khang Tboundg commune, Tram Kak district, Takeo province.

8 [09.24.45]

9 Q. Thank you. Where is your current address?

10 A. At present I live in Ta Sanh village, Ta Sanh commune, Samlout
11 district, Battambang province.

12 Q. Thank you. And what is your current occupation?

13 A. I am <aging now>; I cannot do anything. But my children work
14 in the farm.

15 Q. Thank you. And can you tell us the names of your father and
16 mother?

17 A. Ul Ek is my father's name and Nam Horng is my mother's name.

18 She was Vietnamese from Krabaor, Mort Chrouk (phonetic),

19 Kampuchea Krom. <My father was involved in politics in the

20 Samdech's Sangkum Reastr Niyum period.>

21 Q. Thank you. And what is your wife's name and how many children
22 do you have together?

23 A. My wife's name is Chea <Ny>, and we have six children

24 together: Ek <Phuon> (phonetic), Ek <Khoeun> (phonetic), Ek

25 <Voeun> (phonetic), Ek <Vorn> (phonetic), Ek Nov (phonetic), and

1 Ek <Norn>(phonetic). One of them died.

2 [09.26.31]

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

8 A. That is not true.

9 MR. SAMNANG NHEM:

10 Do you understand the Judge's question?

11 MR. EK HOEUN:

12 Mr. President, please repeat your question as it is unclear to
13 me.

14 BY THE PRESIDENT:

15 Q. Mr. Ek Hoeun, to your best knowledge, do you know if any of
16 your father, mother, ascendants, children or descendants,
17 brothers, sisters, in-laws, or wife is admitted as a civil party
18 in Case 002?

19 MR. EK HOEUN:

20 A. Yes, that is correct.

21 Q. And that you already took an oath before your testimony; is
22 that correct?

23 A. Yes.

24 [09.28.08]

25 Q. The Chamber would like to inform you of your rights and

1 obligations as a witness.

2 Regarding your rights, as a witness in the proceedings before the
3 Chamber, you may refuse to respond to any question or to make any
4 comment which may incriminate you. That is your right against
5 self-incrimination. This means that you may refuse to provide
6 your response or make any comments that could lead you to being
7 prosecuted.

8 And on your obligations: As a witness in the proceedings before
9 the Chamber, you must respond to any question by the Bench or
10 relevant parties, except where your response or comments to those
11 questions may incriminate you. And as a witness, you must tell
12 the truth that you have known, heard, seen, remembered,
13 experienced or observed directly in relation to any occurrence or
14 event relevant to the questions the Bench or the parties pose to
15 you.

16 And do you understand about the rights and obligations that I
17 have just read out?

18 A. Yes, I do.

19 [09.29.40]

20 Q. Thank you. Have you been interviewed by investigators of the
21 Office of the Co-Investigating Judges?

22 A. Yes. I have been interviewed twice, although I cannot recall
23 the dates.

24 Q. Thank you. And before your appearance today, have you reviewed
25 your previous interviews in order to refresh your memory?

11

1 A. Yes, I have read them all.

2 Q. Can you tell the Chamber whether the statements in the written
3 record of your interviews are consistent with your words that you
4 gave to the investigators?

5 A. Yes, they are consistent with what I told them <from the
6 Documentation Centre of Cambodia> during the two interviews.
7 <But, I notice they always made spelling mistake.>

8 [09.31.03]

9 MR. PRESIDENT:

10 Thank you.

11 And pursuant to Rule 91bis of the ECCC Internal Rules, the
12 Co-Prosecutors will be given the floor first to put questions to
13 this witness. And the total time for the Co-Prosecutors and the
14 Lead Co-Lawyers is one full day.

15 And the Chamber would like to inform <the Co-Prosecutors and> the
16 parties that Mr. Ul Hoeun has some issues concerning his health.
17 For that reason, please try to make your questions short,
18 <simple> and precise <so that he can grasp and give the right
19 responses>. And the Chamber trusts that the parties will take
20 this information and put your questions accordingly.

21 And now the Co-Prosecutors, you have the floor.

22 [09.32.10]

23 MR. DE WILDE D'ESTMAEL:

24 Thank you. Good morning, Mr. President, Your Honours, and all the
25 parties.

12

1 Mr. Witness, my name is Vincent De Wilde. I will put questions to
2 you on behalf of the Office of the Co-Prosecutor this morning and
3 this afternoon. I would like to start by thanking you for
4 appearing before us in spite of your ailing condition, and when I
5 put questions to you, may I request you to tell me whether or not
6 the questions are clear, <to ensure you understand correctly>. If
7 you do not <know>the answer to a question, please do not invent
8 an answer or <>speculate, but simply say that you do not know. I
9 will start with a few questions regarding your family, so that we
10 may know <where you come from and> what your origins are.

11 [09.33.13]

12 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

13 Q. You said in the background information that your mother was
14 Vietnamese from Kampuchea Krom. If I properly understood what you
15 told DC-Cam -- we have a document whose reference is
16 E305/13.23.451. I'll give the ERN numbers as well. In Khmer it is
17 00968886; in French, 01053707; and in English, 01050180. This is
18 what you told the investigators from the Cambodian Documentation
19 Centre<>:

20 "My grandmother was from Vietnam; my mother was born in Cambodia.
21 My grandfather did not speak Khmer and married my grandmother who
22 spoke Khmer but not Vietnamese. My grandfather was a native
23 Vietnamese. He was born in Chau Doc also known as Krabaor, Mort
24 Chrouk (phonetic) province, in Vietnam."

25 Is this correct? Does it reflect your origins on your mother's

1 side?

2 (Short pause)

3 [09.35.10]

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. Mr. Witness, can you hear me? I was asking you whether what I
6 had read out to you was correct --that is, <that> your
7 grandmother hailed from Vietnam,<that> your mother <>was <>born
8 in Cambodia <and that> the father of your mother was a native
9 Vietnamese. Is <this> correct?

10 MR. EK HOEUN:

11 A. Yes, that is correct.

12 Q. You described your mother as a Vietnamese from Kampuchea Krom.
13 Can you assist us <>to understand this? When you talk of Khmer
14 <>Krom what precisely do you mean? Because sometimes there's a
15 mix up between Vietnamese <> who settled in Kampuchea Krom, but
16 who did not speak Khmer<>, and <the Khmer settled> in Kampuchea
17 Krom <who were native> Khmer <speakers>. Can you tell us what is
18 the distinction between Khmer Krom, native Vietnamese, and
19 Vietnamese from Cambodia and so on and so forth?

20 A. It is not clear because my grandfather<,> who was called Nang
21 (phonetic), came to settle in Cambodia<. He> did not speak Khmer.
22 I do not know whether he was Khmer Krom or Vietnamese, but he
23 spoke Vietnamese and my grandmother spoke Vietnamese a little bit
24 as well, and my mother -- that is, their daughter, also spoke a
25 bit of Vietnamese. <Her> younger brother was born in Krabaor <or

14

1 Chau Doc>. He spoke Vietnamese and served as an interpreter for
2 family members <when they had family re-unions during the Chinese
3 and Vietnamese festivals>. So, all I can say, quite simply, is
4 that it is very unclear because I, myself, never went to Krabaor
5 or Chau Doc, so I <just grew up to have had them as> my
6 <grandfather and grandmother in the family and in the village>,
7 that is all.

8 [09.37.48]

9 Q. Very well. You also made some statements in your record of
10 interview -- E319.1.31 -- that is your first record of interview,
11 and you said in <> Answer 11: "<Since> my father was a village
12 chief during the Sangkum Reastr Niyum era<> and my mother was
13 Vietnamese, they wanted to purge <my family>." <End of quote.>
14 And at Answer 16 of the same document, you said you joined the
15 Revolution but that your family was accused of having undesirable
16 tendencies. Was your mother's Vietnamese nationality, along with
17 the fact that your father had played a role in the previous
18 regime, what laid the basis for you to be looked upon as having
19 undesirable tendencies by the Khmer Rouge?>

20 What do you mean by "undesirable tendencies"?

21 A. I haven't quite understood your question; please repeat it.

22 [09.39.25]

23 Q. I will simplify it. You said your father was a village chief
24 under the Sihanouk (sic) regime -- that is, in the Sihanouk era.
25 And you said that, <given that> your mother was Vietnamese,

15

1 <>your family was purged because <you>had undesirable tendencies.

2 Did the<Khmer Rouge> say that your family had undesirable
3 tendencies because of the nationality of your mother and <> your
4 father's <occupation> as well?

5 A. Yes, that is indeed the case.

6 Q. <Still regarding your family: Could you tell us which> -- were
7 <the> family ties between your family and Ta Chim <> the deputy
8 district chief <in 1975? Did you share family ties?>

9 A. My wife was Sino-Khmer and the mother of my wife was also
10 Sino-Khmer, the father was Cambodian and that is why I called
11 them Sino Khmer.

12 Q. Let me rephrase my question because I think it was not well
13 understood. I talked about family ties that you could have <had>
14 with Ta Chim, C-H-I-M, the deputy chief of Tram Kak district in
15 1975, also known as Pech Chim.

16 A. Ta Chim was my cousin and also my brother-in-law.

17 [09.41.40]

18 Q. Thank you. <And was> Saom Dorn, alias Dorn, from the district
19 office, was he also your cousin?

20 A. Yes.

21 Q. Can you tell us what were the positions of two of your
22 brothers,<firstly> Heng, H-E-N-G, <> whom you referred to as the
23 great Khmer Rouge army chief?

24 A. In 1976, Heng was appointed <the provincial> chief <to
25 replace> Ta Saom.

16

1 Q. Are you not mixing him with your elder brother Yaev, Y-A-E-V?
2 <Whom, as you informed the DC-Cam,> took over directly from Ta
3 Saom <at Kaoh Andaet>. Are you not mixing up Yaev and Heng?
4 <Could that be a possibility?>

5 A. I do not quite understand your question. Please repeat it.

6 Q. I will try to jog your memory with what you said. You made
7 mention of two brothers, <one brother-->I believe that was before
8 DC-Cam. You talked of a brother called Heng -- H-E-N-G -- you
9 said he was a Khmer Rouge army chief and you said he died in
10 1973. You also made mention of another brother, Yaev, Y-A-E-V,
11 who was <supposedly> deputy district head at Kaoh Andaet district
12 from 1977 to 1978. Is that correct?

13 A. That is correct.

14 [09.44.21]

15 MR. PRESIDENT:

16 Mr. Witness, wait a minute. Counsel Kong Sam Onn, you have the
17 floor.

18 MR. KONG SAM ONN:

19 Thank you, Mr. President. May I ask the International
20 Co-Prosecutor to specify the passage in which the names Heng and
21 Yaev are found? That is the DC-Cam document <as we don't have
22 those names.>

23 BY MR. DE WILDE D'ESTMAEL:

24 You are right. It is<document> E305/13.23.451. In French, the ERN
25 is 01053714; in Khmer, it is 00968891 towards the end of the

1 page; and in English, 01050184.

2 Q. <Mr.>Witness, given your family ties with Ta Chim and Saom
3 Dorn, and also given the fact that your brother had held
4 positions in the regime, did you enjoy some protection in spite
5 of the fact that your family had undesirable tendencies?

6 MR. EK HOEUN:

7 A. My elder brother, Heng, died in 1973, and Yaev lived far off.
8 He could not assist me so it was only Ta Chim who could assist me
9 -- that was my brother in law. He was able to rescue me from the
10 claws of the Yeay Khom<, who wanted to take my life>.

11 [09.47.04]

12 Q. <Thank you. Could> you remind us, <if you can remember,> of
13 what you did between 1974 and 1975? Did you have any duties and
14 responsibilities in the village <or> in your cooperative at the
15 time?

16 A. I was appointed group leader and after the classes were
17 established I was crushed by the wheels of history. <So, they
18 assigned new forces> and I was dismissed from my position.

19 Q. Did Ta Chim at any point in time assist you to be reinstated
20 <to a certain> position in Tram Kak district?

21 A. Yes. He protected me from Yeay Khom so he hid me in the
22 district <unit> office where I was in charge of <unloading> rice
23 and salt <from> trucks.

24 [09.48.28]

25 Q. Let me ask you for the exact date on which you returned to the

18

1 district office. You said to DC-Cam -- and the Khmer page is
2 00968888; in French, 01053710; and in English, 01050182. This is
3 a question that was put to you: "Up until when were you deputy
4 chief of the village?" And your answer was: "I was village chief
5 until 1975 when the entire country was liberated. They then asked
6 me to work in the district office." And a little further on you
7 say that: "I was appointed on the very day the country was
8 liberated." End of quote.

9 Did you start working in the district office as you pointed out,
10 on the very day <Phnom Penh, or> Takeo was captured in April
11 1975?

12 A. After the war ended -- that is, in April, Ta Chim came and
13 took me in order that I would guard his house. Then he assigned
14 me to work in the district <>office.

15 [09.50.07]

16 Q. <Thank you.> You pointed out to the Co-Investigating Judges,
17 if I am not mistaken, that you left the Tram Kak district office
18 in late 1978 in order to join Pech Chim in Kampong Cham. Can you
19 tell us the exact period, the month in which you left Tram Kak
20 district?

21 A. I was afraid of Ta <Soeun (phonetic) -- the father of A
22 (derogatory) Chhklus (phonetic)>; he wanted to kill me at the
23 time. <Then, Ta Mok> needed 200 inhabitants <to be sent>to
24 Kampong Cham and I requested to be allowed to go and he said no.
25 And when the truck was going to leave I jumped into the truck.

1 That was in August 1977. So it was on that date that I went to
2 Kampong Cham-- that is, the East Zone.

3 Q. Are you sure that it was in 1977? Because I believe you said
4 on several occasions 1978 in your previous statements. Was that
5 several months before the Vietnamese arrived, <>only a few months
6 before they arrived, or more than a year before they arrived?

7 A. I left Tram Kak district in August 1977, and <I had stayed> in
8 Kampong Cham <for only three months. Then,> the Vietnamese
9 entered Cambodia.

10 [09.52.25]

11 Q. Very well. <So>the Vietnamese entered Cambodia in early
12 January 1978 (sic). Do you therefore confirm that that was a few
13 months before you <were transferred -- that you got> into that
14 <car> to go to Kampong Cham? Let me repeat the question <because
15 apparently it was not translated correctly>. I said that the
16 Vietnamese came in early January 1979, not '78. <There you have
17 it, so> did you leave a few months before the Vietnamese arrived
18 in Cambodia?

19 A. I left in August and on 31st December, the Vietnamese attacked
20 the Chup plantation office <at about 5.30 in the evening>, and
21 from that date, I sought refuge in the forest. <We had stayed in
22 the forests ever since.>

23 Q. Very well.<So, if my calculations are indeed correct, you>
24 started working in the district office shortly after Phnom Penh
25 was captured and you left that office to go to Kampong Cham

1 approximately three and a half years later. <Could>you tell us
2 what your last position was in the Tram Kak district office? You
3 stated that you distributed bags of salt <or> rice. Did you
4 continue doing so during the entire period of more than three
5 years, or you had other duties and responsibilities in that
6 office?

7 A. In 1975, all I did was <offloading> rice and salt <from
8 trucks>, and at times I <alone> offloaded about <40 tonnes of
9 salt and about 30> bags of rice. One bag <of rice> was about 100
10 kilogrammes. <I unloaded them from the trucks by myself.> And
11 when <Yeay Khom> wanted to kill me, Ta Chim hid me <in his house>
12 and I worked <for> the <cadastral ministry for two years>. In
13 1978, Ta <Soeun, (phonetic) the father of A Chhlus (phonetic),>
14 wanted to kill me and I fled <and arrived in Chup> during that
15 period.

16 [09.55.25]

17 Q. So if I understood <> correctly, you worked first of all
18 offloading <or loading> bags of rice and salt <etc.>, up until
19 the time when Yeay Khom left; is that correct? You told DC-Cam
20 that <it was until> 1976.

21 A. Yes.

22 Q. And when were you in charge of the surveying department? --
23 <Perhaps we could refer to it as the bookkeeping> within that
24 office from what time and up until when?

25 A. I <worked for> the <cadastral ministry>, all I did was to

21

1 carry poles from 1976 to <August> 1978, and thereafter, I left
2 with Ta Chim, so I worked <for the cadastral ministry> for three
3 years.

4 Q. Yes, let me read out to you what you told DC-Cam, <once more>.
5 And the Khmer page is 00968897; in French, 01053719; and in
6 English, 01050188. You stated the following -- and I quote: "I
7 <did indeed become> a member in charge of the <bookkeeping> from
8 1976 <and shortly after that you said> -- up to 1978, when I went
9 to the Chup rubber plantations."

10 When you state that you became a member, do you mean you were an
11 official member of the district office or quite simply someone
12 who was working there in charge of <> bookkeeping?

13 A. I was not in charge of bookkeeping. All I did was to carry
14 stuff, so I used my hands and my strength.

15 [09.58.05]

16 Q. Were you able to find out during that period, since you were
17 still working in the district office, what was the role of that
18 office in terms of <trade>and economic affairs?

19 A. From 1975 to 1976, China granted food aid, mainly rice, to
20 Cambodia and I <unloaded the rice bags from the trucks that
21 transported them from> provinces. <When the rice arrived in
22 trucks,> Ta Mok distributed the rice <to all provinces.> Since he
23 was the regional chief, he was in charge of distribution <to all
24 provinces in the Southwest Zone> and the <chiefs> of the sectors
25 asked the district chiefs to come and fetch the bags of rice <in

1 trucks>. So <I loaded the rice into five or six trucks to be>
2 distributed to the New People and I had to load the bags of rice
3 onto the trucks alone. That was very hard work.

4 Q. Did the district office also play any role in security
5 affairs? Was it the district office that was in charge of the
6 militias <or> the district <army>?

7 A. No. The district office had its own task and I had nothing to
8 do with security.

9 [09.59.55]

10 Q. <Yes, yes. I understand very well.> I'm not speaking about
11 you. I'm not saying that you had a role in terms of security. I
12 am only asking if at the district office there was a <> unit that
13 was in charge of the district security, and in particular, in
14 charge of the militiamen and of the district army? Are you aware
15 of this or not?

16 A. <Yeay> Khom (phonetic) would receive orders from the province
17 and <she> would then pass on the orders to <Ta Chim, who then
18 passed them on to Ta Chay. Then, Ta Chay handed them down further
19 to Saom, who then rolled them down to Dorn, the office chief, to
20 handle. That's all.>

21 Q. So you are speaking here about orders in terms of security,
22 <is that the case? Orders that Khom> would receive from the
23 provincial level?<>

24 A. As for the security matters, people who were arrested and as
25 they were accused of having different political tendencies or

1 <as> they were accused <of being associated with> CIA, <KGB,
2 "Yuons" or Soviets> then they would be sent to Yeay Khom, and if
3 Yeay Khom was not there, Ta Chim would be the representative. As
4 for Ta Chay, Ta Chay was not dealing with <the political> matter.
5 <He was assigned to grow soy beans in the forests. Saom and Dorn
6 were in charge of the office.> So the security matters were the
7 responsibilities of Yeay Khom and Ta Chim, and Ta Chim had his
8 own team of <district> security force. And <his force was tasked
9 with sending people> to Yeay Khom, <who also> had a group of
10 security force <protecting her at home. They were responsible for
11 the arrested people brought in before them. Yeay Khom's force was
12 real doers or perpetrators. They> would <take care, as they
13 wished, of> the people who had been arrested.

14 [10.02.07]

15 Q. Fine, we will get back to this a little bit later. I have a
16 few names to run by you, people who allegedly worked at the
17 district office in different units. Can you first of all <tell>
18 us about the role that your cousin Saom Dorn played? What was his
19 exact position? What would he do on a day-to-day basis?

20 A. Dorn was my <younger> cousin. He was in charge of bookkeeping.
21 For example, if Ta Mok needed a certain number of workforces,
22 then Dorn would go to the <communes> to get those people and Saom
23 Dorn was also in charge of materials and logistics as he was in
24 charge of overall bookkeeping.

25 Q. Was he the head of the district office? Or was he working in

1 another office?

2 A. Saom Dorn worked in the district office on a daily basis as he
3 had to be there to receive materials sent from the provincial
4 office or from Ta Mok, and then he would distribute them further
5 down. And he was the one who was there to keep the -- to do the
6 bookkeeping or to make any request to the upper echelon for
7 further materials or tools.

8 [10.04.08]

9 Q. And does the name Phy mean something to you? Apparently he
10 worked at the district office and he had problems walking.

11 A. Yes, I know Phy very clearly. During the 1970s, he was the
12 <personal> messenger of Ta Chim and later on <in 1976,> he was
13 assigned to District 107, and later on <when the "Yuons" entered
14 our country in 1979> people took revenge against him and he was
15 <chopped and stabbed to death> by the villagers. <He had treated
16 the people very badly. So, the people stabbed him to death.>

17 Q. But he did he work at the Tram Kak district office, in
18 particular in security matters?

19 A. No, he did not. He was not in charge of the district office.

20 [10.05.20]

21 Q. Fine. That was not my question. What I asked you was: Did he
22 work in the district office or in one of the offices that was
23 nearby and did he have any position with regard to the militiamen
24 or with regard to the security centre in the region?

25 A. He never showed himself in the district office. He was at the

1 logistic office to the west of the <Ph'choek Chrum (phonetic)>
2 pagoda as he was assigned by the sector to be in charge of that
3 warehouse. And later on, <in 1970s, but I can't recall what year
4 it was exactly,> Ta Chim assigned him to be the district chief of
5 District 107.<He never appeared at the district office.>

6 Q. Did you know someone by the name of Ruos, R-U-O-S or R-U-O-H,
7 who apparently was a militiaman there?

8 A. It was Ruos, <the contemptible A> Ruos was <a specialised
9 force protecting> Yeay Khom and he was <an arrester who took
10 people away into the forests in broad daylight> and in 1979 when
11 the Vietnamese entered Cambodia, he was <chopped, stabbed and>
12 killed by the angry villagers.

13 Q. And does the name Khorn, K-H-O-R-N, <also> ring a bell? <He
14 would have played> a role that was similar to Ruos?

15 A. Can you please pronounce that name again?

16 [10.07.31]

17 Q. Yes, I will try. Khorn. My colleague says I have pronounced it
18 pretty much right. K-H-O-R-N, Khorn.

19 A. Khorn was a man, I did not know what problems he had but he
20 was transferred to work in the district office and he was in
21 charge of the repairmen.

22 Q. And finally, the last person, by the name of Duch, D-U-C-H;
23 his real name was Iep Duch. Did this person work at the district
24 office or at the district committee?

25 A. Duch alias Saem, never worked at the district office. He

1 worked with Ta Phy at Ta Phy's office and later on <in August
2 1977, Ta Chim took him along> to the East Zone.

3 Q. I'm not sure we're speaking about the same Duch. I am speaking
4 about someone who had a position with regard to the district
5 youth. <Do> you know any Duch who held responsibilities with
6 regard to the youth?

7 A. It was <Von> (phonetic) who was in charge of the youth and
8 <Von> (phonetic) is still alive <now. He was young. He was the
9 chief of the district youth.> As for Duch, Duch <always> stayed
10 with Phy. <He was a deputy of Phy.>

11 [10.09.32]

12 Q. Fine. Do you know if these different people, and in particular
13 Ruos, Khorn, Duch or Phy would sometimes go to Krang Ta Chan?
14 <Did you ever find out about> this when you worked at the
15 district office?

16 A. In 1978, probably in August '78, I did not know that Krang Ta
17 Chan office existed; however, only later, <after I left my
18 hometown and ran into the forests,> maybe in the year 2000, <when
19 I visited my hometown> I was told that Krang Ta Chan office
20 existed long time ago and there were many skeletal remains
21 there.<It was erected after I had already left. So, I don't know
22 about it. As of August 1978, there had been no place for storing
23 human skulls at Krang Ta Chan. The local people used the forests
24 surrounding Krang Ta Chan as burial grounds.>

25 Q. Fine, maybe two last questions before the break, <Mr.>Witness.

1 Was there someone at the district office who <was somewhat of a
2 greffier in the office>, someone who <> was in charge of
3 archives, of the registers, of the population lists<>?

4 A. After Saom<,> Dorn, Ta Chim and Ta Chay had left, there was
5 another <district clerk> by the name of Bun Yen who finished
6 <grade> 12 in the previous education system and when the
7 Vietnamese arrived he fled somewhere, but later on <when I was
8 back in my village for a visit> I met him<by chance. He suddenly
9 came to shake hands with me. He> is still alive.<He was a clerk
10 preceded by Soth and Dorn.>

11 [10.11.46]

12 Q. In his office, this Bun Yen, would he keep lists of 17 April
13 families <or>lists of Base People in order to know who was living
14 within the district?

15 A. Bun Yen who did the secretarial work was in charge of the
16 bookkeeping, in terms of expenditure, or the list of people who
17 came to the area from outside or whether people -- or whether a
18 number of forces had to be sent to other areas. He would also
19 maintain that list.

20 MR. PRESIDENT:

21 Thank you. It is now convenient for a short break. We will take a
22 break now and resume at 10.30.

23 And Mr. Ek Hoeun, we have a short break now, and we will resume
24 at 10.30. You may also rest.

25 (Court recesses from 1013H to 1032H)

1 MR. PRESIDENT:

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

3 Good morning, Mr. Ek Hoeun.

4 MR. EK HOEUN:

5 Good morning, Mr. President.

6 MR. PRESIDENT:

7 If you need <a break to go to the rest room to relieve yourself>,
8 please <feel free to> tell us and we will authorise you to do so
9 without any problem.

10 The Chamber now gives the floor to the Prosecution.

11 [10.33.20]

12 BY MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President.

14 Q. <Mr.>Witness, I would<now> like to talk to you about a very
15 precise event. It has to do with something that happened in the
16 barracks in Takeo town shortly after the town was captured and I
17 will quote what you stated in the record of your interview --
18 E319.1.32 -- in answer to Question 108. <I will quote> part of
19 the answer you gave. You stated that "At the Takeo provincial
20 headquarters, they killed both civilians and soldiers who were in
21 the barracks". End of quote <>This is what you stated.

22 When you talked of the soldiers and civilians who were in the
23 Takeo barracks -- I'm not talking of evacuees from Phnom Penh, of
24 course -- was that on the very day Takeo was captured or<over>
25 the <>following <days>?

1 MR. PRESIDENT:

2 Please wait a minute. Counsel Kong Sam Onn you have the floor.

3 [10.35.12]

4 MR. KONG SAM ONN:

5 I object to the manner in which the Deputy Prosecutor is putting
6 questions to the witness because what happened in Takeo doesn't
7 fall within the scope of this trial segment regarding <the issues
8 related to Tram Kak and> the execution of soldiers in Takeo. This
9 has nothing to do with the scope of the hearing today.

10 MR. DE WILDE D'ESTMAEL:

11 I believe that, quite on the contrary, it is very <interesting,
12 particularly> to understand the context <in which the events that
13 followed transpired. The events occurred>not very far from there
14 at Champa Leu Pagoda. <Also to understand> the nature of the
15 <regime's enemies>. May I therefore continue putting this
16 question to the witness, Mr. President? I do not have very many
17 more questions on <this particular event>.

18 [10.36.16]

19 MR. PRESIDENT:

20 You are allowed to ask the question. The Chamber needs to <hear>
21 the answer that the witness will give to this question.

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. <Mr.>Witness, did you hear the question I asked or do I need
24 to ask it again?

25 MR. EK HOEUN:

1 A. I did not properly hear your question. Could you please repeat
2 it?

3 Q. <Fine,>Mr. President, may I<perhaps> request the interpreters
4 to speak a <bit>louder. I have the impression that the witness is
5 not hearing my questions very well. <It's merely a
6 suggestion.>Let me rephrase the question.

7 You told the Co-Investigating Judges that in the provincial
8 headquarters at Takeo, both civilians and soldiers who were at
9 the barracks were <killed>and I <told you>that here -- we are now
10 referring to what happened <later>with the evacuees of Phnom Penh
11 in Champa Leu, but we're talking about what happened in Takeo
12 town, in the barracks. Regarding the fact that those soldiers and
13 civilians at the Takeo barracks were killed, the question is: Did
14 this happen on the very day Takeo was captured or<over>
15 the<following> days<>?

16 [10.38.05]

17 A. The inhabitants, civilians, police officers and soldiers were
18 in the barracks in Takeo. They were brought out of the barracks.
19 These were people who had been evacuated from other provinces
20 such as <Phnom Penh,> Kampong Som<, Koh Kong> and other provinces
21 and they were assembled within the Champa Leu Pagoda.

22 Q. Very well. I will revisit that event at Champa Leu Pagoda in a
23 while. <Nevertheless> I want to know whether people were killed
24 in the military barracks in Takeo itself prior to that incident.

25 A. I don't know the exact number of people involved because it

31

1 was a period when there was a lot of fighting. There were
2 casualties. It happened not very close to where I was. I couldn't
3 know who were killed. The evacuees had been brought from all
4 parts of the country and assembled in Champa Leu Pagoda and they
5 were subsequently redistributed to other cooperatives. And
6 thereafter, we had to find out which commune needed people. <For
7 example, if Leay Bour commune needed 5,000 people its chief was
8 asked to come and take those 5,000 people to his/her commune.
9 That applied to Trapeang Thum and all other communes.> So the
10 chiefs of those communes came to pick up the people and take them
11 to their respective communes.

12 [10.40.14]

13 Q. Very well. We will<now> talk about the events that occurred at
14 Champa Leu Pagoda. I will put a number of questions to you on
15 those <events><and>these questions will be<rather> short and
16 specific. First of all, let me read out to you what you told the
17 Co-Investigating Judges in the record of interview, E319.1.32, and
18 that is in answer to Question 113. You were asked to say what you
19 knew about the massacres of Lon Nol soldiers and their families
20 in Takeo province and your answer was as follows -- and I quote:
21 "The Khmer Rouge <had proclaimed>their victory.<'We have
22 conquered >Phnom Penh<.>. After that, people were <expelled>from
23 Phnom Penh <and deported>to Wat Champa Leu Pagoda, located three
24 kilometres <to>the west of Angk Ta Saom, Tram Kak district. For
25 seven days, <they requested former military officers to>register

1 their names on lists. After <they registered>, they eliminated
2 them without leaving any traces. As such, they decimated hundreds
3 and thousands of <ranking>officers until they were completely
4 <exterminated>. Not even second lieutenants <or>first lieutenants
5 were left, only ordinary people remained, <who were> allowed <>
6 to return to their home villages." End of quote.<>

7 Have you clearly heard what I have<just> read out to you,
8 <Mr.>Witness?

9 A. Yes, I was aware of that history. I was aware of what
10 happened. <But, it's -->

11 [10.42.40]

12 Q. <Based on>what I've just read out to you, regarding Champa Leu
13 Pagoda, can you tell us in what commune it was situated?

14 A. It was in Ta Phem <commune> to the west of Angk Ta Saom.

15 Q. So that was in Ta Phem commune. How long after the 17th of
16 April 1975 <did>the evacuees from Phnom Penh and Kampong
17 Som<arrive>at that location? How <many days, how many weeks
18 later>?

19 A. I cannot give you an accurate figure. There were so many
20 people that our streets were flooded with people -- they were
21 clogged with people and they all came to <stay> in the middle of
22 Champa Leu Pagoda.

23 Q. You said that inhabitants from Takeo also went to the pagoda,
24 is it correct to say that inhabitants of Takeo town were the
25 first people who arrived at that Champa Leu Pagoda?

1 A. Yes, that is correct.

2 [10.44.35]

3 Q. In the record of your interview -- E319.1.32 -- the same we've
4 just referred to earlier, in answer to Question <> 124, you said
5 that people from all over the place were rallied by the Khmer
6 Rouge three to four days after the liberation, <in regards to the
7 arrival of the evacuees>. What did you mean when you said that
8 the Khmer Rouge mobilised many people for that operation? Can you
9 specify how they went about it?

10 A. People came from Koh Kong, from Phnom Penh, from Takeo, from
11 all over the country and they stayed there for a week. Registers
12 were drawn up indicating how many people were present and <if
13 there were 20,000 people> then they were redistributed to the
14 communes. The commune chiefs came to pick them up and <took> them
15 to their respective villages. That was the procedure of that
16 particular operation.

17 Q. Before all those evacuees arrived, shortly <before or even
18 shortly>after <>Phnom Penh was captured: <>Were meetings held to
19 prepare for the arrival of those evacuees and their
20 redistribution?

21 A. I, myself, transported <packed> rice for the purpose of
22 feeding evacuees at Champa Leu Pagoda and people <>from <all>
23 villages <received packed rice> and nothing else. <There was no
24 areca nuts or betel leaves. Only packed rice was distributed.>

25 [10.47.11]

1 Q. Let me repeat the question. What I would like to know is
2 whether <before>the people arrived at Champa Leu -- a
3 <preparatory> meeting was held or meetings were held --<> at the
4 level of the district <or zone>in order to determine what had to
5 be done with those people. Do you know whether meetings were
6 <held? Do you have any knowledge of any such meetings being
7 held?>

8 A. Meetings were held regarding how to draw up lists, how to
9 redistribute the evacuees <to> various communes. <They divided
10 the evacuees into different groups composed of 15 people. And,
11 they asked us to hold meetings with three or four groups in every
12 village. Then, they registered people's names.> For instance, the
13 names of the evacuees had to be registered on the list with a
14 view to redistributing them to the villages and communes that
15 were to receive them.

16 Q. During those preparatory meetings, did they talk about the
17 fate of former Lon Nol <ranking officers -- Lon Nol officials and
18 civil servants>? Did they say how they were supposed to be
19 <identified and>separated from the other evacuees<during these
20 meetings>?

21 A. No. The names were registered on communal lists with a view to
22 redistributing them to the communes <and villages> and once they
23 arrived at the cooperatives, they were separated at the base --
24 at the grassroots level. <Then, commune chiefs screened and
25 checked the evacuees' backgrounds to identify their former

1 military ranks. They then made decisions to send them to
2 different villages.> In fact, when they arrived at the pagodas,
3 the work done was quite simply to redistribute them to the
4 communes and the cooperatives<>.

5 [10.49.33]

6 Q. <But I> read out <your statement, and at answer>113 you state
7 that: "At Champa Leu Pagoda<><ranking officers and officials> of
8 the former regime were <requested to register themselves> on a
9 list for seven days and once they were registered they were
10 eliminated <without a trace>. As such, hundreds and thousands of
11 <ranking officers> were decimated." Was <the list of former Lon
12 Nol regime officers drafted>at Champa<Leu>? And <by whom>?

13 A. That is something I do not know because I did not take part in
14 such work.

15 Q. <Yes, yes certainly,> I am not saying at all that you
16 participated in such work. All I am asking of you is whether you
17 knew that such work was done? <Meaning:>Did they ask the officers
18 to state whether they had been officers in the Lon Nol army in
19 order to retrieve their positions? Did the Khmer Rouge cadres --
20 not yourself -- say that to the evacuees?

21 MR. PRESIDENT:

22 Witness, wait a moment. Counsel Kong Sam Onn, you have the floor.

23 [10.51.34]

24 MR. KONG SAM ONN:

25 Thank you, Mr. President. I object to this question because it is

1 a repetitive question. The witness has said that he was not aware
2 of that and that he did not attend such meetings so the witness'
3 answer is very clear and there is no reason why this question
4 should be asked again.

5 MR. DE WILDE D'ESTMAEL:

6 Mr. President, I don't think that is the case. The witness <is
7 right to say that, when he hasn't taken part, he so states it and
8 therefore, he makes a distinction between that aspect of the
9 events and his own role in the events. However I am still left
10 without a clear-cut answer>with regard to the events and I am
11 relying on his own statements which <he gave the Co-Investigating
12 Judges which>are also very clear. <So I think that a little
13 insistence on this point is necessary.>.

14 MR. PRESIDENT:

15 The Chamber needs to hear the witness' answer in order to clarify
16 the matter. Witness, answer the question and if you do not
17 remember the question, you may ask the prosecution to repeat it.

18 [10.53.06]

19 MR. EK HOEUN:

20 Counsel for the Prosecution, please repeat the question. I have
21 already forgotten it.

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. I wasn't talking about your role at all. I was just referring
24 to the fact that if, as you said, the Khmer Rouge cadres who were
25 at Champa Leu Pagoda asked the evacuees who had been

1 <ranking>officers in the Lon Nol army to register on a list by
2 telling them that they would be reinstated in their functions
3 <held during the former regime>?

4 MR. EK HOEUN:

5 A. I was not aware of that because I did not get anywhere close
6 to that place. Information was bandied about by word of mouth.
7 <All village and commune chiefs were asked> to receive the
8 evacuees and to redistribute them in the respective villages.

9 [10.54.39]

10 Q. To refresh your memory I'll read out to you another part of
11 the record of your interview, E319.1.32 -- E319.1.32 and it is a
12 response to Question 117 that was put to you.

13 The question <is as follows>: "You learnt about this because you
14 worked at the district office. Is this correct?"

15 Answer 117: "<Yes.>I <saw the Khmer Rouge disseminating> their
16 propaganda, <there was>an approximate area of 10 square
17 kilometres crowded with people. The Khmer Rouge announced that
18 everyone would be allowed to go back to their <positions in the
19 former regime>." End of quote. And here you state that you saw
20 the Khmer Rouge carrying out<this> propaganda. Do you confirm
21 your statement?

22 A. Yes, they engaged in propaganda with a view to identifying
23 officers <with ranks>.

24 Q. Were many <ranking>officers caught in the trap, so to speak,
25 because of such propaganda? Did many officers reveal their

1 <military>ranks in the Lon Nol army?

2 A. The <former> soldiers, police officers and <chiefs and> deputy
3 chiefs <of communes> revealed their past and the Khmer Rouge
4 <recorded> all that information and thereafter they were <sent>
5 away <to different cooperatives>. I do not know where exactly
6 they were taken to.

7 [10.57.19]

8 Q. Did you yourself or other persons see those people ever again
9 after they were taken to <a place>you were not aware of?

10 A. I saw them as they were redistributed to villages and
11 communes<. I saw them dwelling in houses in villages. But,> I
12 never saw them <>at Champa Leu Pagoda <as I never went to that
13 pagoda>.

14 Q. Very well. I'll read out to you again another extract of the
15 record of your interview, E319.1.32. First of all Question 118
16 was put to you as follows: "Who was in charge of the propaganda
17 operation involving thousands of people?"

18 <Your>answer: "Ta Mok was in charge<of this operation>."

19 Question 124 -- Answer: "Are Saom Dorn-"

20 <Q: Precisely,> I was <getting> to that <excerpt>.

21 <You were asked a question.>Question 124 was put to you by OCIJ
22 investigators. The question was: "When did this take place?"

23 And this was the answer you gave. Please listen carefully: "Three
24 or four days after liberation, the Khmer Rouge <mobilized people
25 from all over>. Present at the operation was Saom Dorn, chief of

1 <the>Tram Kak district<office>; Thuong Thim, chief of Trapeang
2 Thum commune; and Daek Sim, deputy chairman of <that same>
3 commune -- <all of them were> in charge. <But>Saom Dorn was <the
4 top dog leading the operations>."

5 Now, you have stated in this passage that Ta Mok was in charge
6 <of the operations>and that Saom Dorn led the operations, so to
7 speak. Is that <how it transpired>?

8 [11.00.00]

9 A. Daek Sim <was subordinate> of Saom Dorn<, who had overall
10 management of the office responsible for> the evacuees <that>
11 were assembled at a particular location.

12 Q. Did you see Ta Mok on site at Wat Champa Leu<Pagoda> or around
13 Wat Champa Leu when the evacuees were there?

14 A. I did not see Ta Mok<, nor did I see >the district <chief,
15 district secretary or vice chief of district.> I only saw Saom
16 Dorn and <Dek> Sim who were there <supervising> people who were
17 brought to the place.

18 Q. Fine. When you said that Ta Mok would supervise this
19 operation, can you provide clarification about that? Was it
20 because he was the zone chief or did he indeed take part in this
21 operation more concretely speaking?

22 A. I never saw Ta Mok come to that area. The district chief was
23 not there as well -- I mean at the place where the refugees were
24 gathered.

25 [11.02.07]

1 Q. <>When you speak about the district chief back then, was it
2 indeed Yeay Khom -- that is to say, Meas Muth's wife?

3 A. Yeay Khom did not come to the refugees' area and as I said
4 earlier, only Dorn and Sim were there. <Then, those evacuees were
5 sent out to different villages and communes.>

6 Q. At the same time, is it right to say that you did not spend a
7 full week observing the events at Champa Leu and that you would
8 go back and forth with <>loads <of rice>; is that correct?

9 A. No. I heard that people were gathered to that area and I went
10 to have a look in the area. I was there for only an hour and then
11 I returned home <because I was afraid that I would be
12 threatened>. And I only went there once and when I was there, the
13 only two people that I saw were Saom Dorn and Daek Sim, as I
14 mentioned earlier.

15 [11.03.43]

16 Q. You spoke about the fact that lists of officers of the Lon Nol
17 army were drawn up. Was this something that you saw when you were
18 on site or is this something that you heard about later on at the
19 district office?

20 A. No. The lists of the people were at the villages; for example,
21 a list of 100 people and the number of the people on the list
22 would be sent to that particular village.

23 Q. Fine. Now I'd like to turn to another topic. We're going to be
24 speaking about <> arrests-- <we shall remain with arrests>of Lon
25 Nol<officials and of>servicemen but a little after the events of

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1 Champa Leu. And now I would like to base myself on a quote from
2 your written record of interview, E319.1.32. It is Answer 27
3 <where>you said: "One day I saw a whole group of people and I
4 ended up asking the <following>question to the people who were
5 escorting <them>. I asked them, '<But, so where> are you going?',
6 and they replied <"We are> going to meet Angkar". <The next day
7 or over the course of the following days rather,>I learned that
8 those people<I saw> had been arrested. I therefore never asked
9 <questions>. Those arrested included<former> teachers and former
10 civil servants." End of quote.

11 So you said that you saw former civil servants and teachers being
12 arrested in Tram Kak district. Do you remember when this
13 particular event took place? Was it after 17 April 1975?

14 [11.06.24]

15 A. Regarding the arrest, it happened before the city and the
16 entire country was liberated. I think it happened in March 1970,
17 and people were being marched from the north to the south
18 direction. And <a column of people were proceeding past my house.
19 I saw many people who had attended the same school and built
20 merits with me. So, I could not hold my tongue. Then, > I asked
21 them where they were heading to, they said that they were going
22 to meet Angkar. <Upon hearing that, I> I was afraid and <stepped
23 back. From> that day onward I did not ask again <when I saw a
24 mass of people in line like that>.

25 Q. Fine. Now let me speak about another period that concerns us

1 more. This is the period between 1975 and 1977, and I'm going to
2 read out once again what you said before the Co-Investigating
3 Judges -- E319.1.32 at Question 45. And the question is the
4 following:

5 "In Tram Kak district between 1975 and 1977, what procedures were
6 used to identify the enemy?"

7 And you answered the following: "At that time, people were
8 categorised into three classes: middle-class workers, lower-class
9 workers, and labourers. Those who did not fall into these
10 categories were <peacemakers> and were accused of being enemies;
11 for instance, former teachers. Vietnamese nationals were <treated
12 in>the same<manner>: they were <sent>away, <never to return>."
13 End of quote.

14 So, <Mr. Witness,> my question is the following: who announced
15 that the former teachers or the peacemakers should be considered
16 enemies?

17 [11.08.47]

18 A. <Their militiamen said that for >those who were arrested as
19 they were accused of enemies before the liberation of the
20 country, they <had to smash> all the capitalists<, feudalists> or
21 reactionaries and they had to kill them all wherever they were at
22 all levels. <They had to smash them all until no one remained.
23 Their regime had to be destructed as well. Yeay Khom, Meas Muth's
24 wife, mentioned this in the meetings she held in all villages and
25 districts. Their militiamen repeated this statement.> And that

1 also applied to teachers and to <village and> commune chiefs or
2 deputy chiefs <and those who had political tendencies>, and not
3 only the former Lon Nol soldiers, but for those who worked for
4 the previous Sangkum Reastr Niyum <of Samdech Sihanouk, were
5 smashed. They said they had to destroy all feudalists. As> in the
6 case of my father <and mother, they> were also <associated with
7 the Sangkum Reastr Niyum period. > So they themselves were
8 crushed by the wheel of history. <Their district chief always
9 made this statement in every meeting.>

10 Q. Thank you. So my question in fact was based on '75-'77 period
11 and I have a feeling you are speaking about the period before the
12 1975 liberation. Well, this concept of enemy however, that is to
13 say former teachers, <civil servants>, as well as the Lon Nol
14 servicemen; were these enemies still the same after 17th April
15 1975, were they still being tracked down?

16 A. Yes, indeed.

17 [11.10.37]

18 Q. Fine. In the months and the years that followed their arrival
19 at Tram Kak, were the 17 April people -- that is to say the
20 evacuees from the cities, did they have to write up biographies
21 on a regular basis in the communes, in the cooperatives or at any
22 level<>?

23 A. Yes, that is true.

24 Q. Do you know why? People wanted to know what the past were of
25 all of these 17 April People, of all of these evacuees; what was

1 <the motive behind> knowing what they had done before?

2 A. They wanted to know about the people who were evacuated from
3 Phnom Penh to rural areas in order to identify their political
4 tendencies in the liberated zone. For example, I had lived in the
5 liberated zone, however, I was implicated because my relatives
6 came from Phnom Penh and then I was re-educated and this kind of
7 policy applied across all the communes without any exception, as,
8 at that time, the historical wheel was in full motion and the
9 people were the targets, were arrested and the arrest took place
10 also in the liberated zone. <No one could escape from the wheel
11 of history. It crushed everyone. They said, "The feudalists,
12 capitalists and reactionaries -- both individuals and their
13 regimes -- have to be destroyed". They never arrested people by
14 mistake. Both people in the liberated zone and the new people
15 were the subjects of arrests.>

16 [11.12.48]

17 Q. <Could>you explain this expression <that you've> used often,
18 that 'the wheel of history is turning and <would crush -- crush
19 the --> the opponents', I believe<.> Can you explain the meaning
20 of this expression? And did you hear this expression coming
21 <straight> from <the> Khmer Rouge cadres' <mouths>?

22 A. Allow me to clarify the point. <The person> who chaired the
23 meeting was <Yeay> Khom, the wife of Meas Muth, and who was the
24 chief of District 105. She said <in every meeting in all communes
25 and districts that> all those capitalists, feudalists or

1 reactionaries <had> to be smashed <until no one remained. Their
2 people and regime had to be destroyed, too.> and after that,
3 arrest had been made successfully in various communes.

4 Q. Do you know if this was a <general> principle <at play> when
5 Khom would say that capitalists, the feudalists and the
6 reactionaries had to be crushed, <> had she received any
7 instruction from the upper echelon in that regard or was this a
8 purely personal initiative on her part?

9 A. I do not know whether she received any plan from any level but
10 for every mass meeting she reiterated the same point and
11 expression.

12 [11.14.43]

13 Q. Is this an expression and a policy that you heard about later
14 when Yeay Khom left Tram Kak district and when she was replaced
15 by other leaders as in the position of district chief, so did the
16 other district chiefs use the same kind of expression to define
17 the enemy?

18 A. Yeay Khom used that expression until 1976, Ta Mok <wanted to
19 bury her neck-deep and to have an ox-rake run over her. He> came
20 to conduct three mass meetings consecutively, then Yeay Khom fled
21 to Koh Kong. After Yeay Khom left, nobody else talked about that
22 expression.

23 Q. Why did Ta Mok organise consecutive mass meetings and what
24 were the topics that were discussed in these meetings?

25 [11.15.57]

1 A. He spoke about building dams <and canals> in Khpok Trabek and
2 he asked who killed the third assistant of the <commune named>
3 Chea? <The third deputy had worked for the commune in the Sangkum
4 Reastr Niyum period.> And, in fact, Yeay Khom <secretly> killed
5 Chea -- that is, <the> third <deputy of the commune>, and that
6 Chea was a close friend of Ta Mok, and when he went to visit the
7 worksite to build dam construction in Khpok Trabek, he held a
8 mass meeting there and he spoke about the nature of the work
9 there and he was trying to find out who actually killed <Chea>.
10 And in fact, <Ta Mok said> Chea was a female and that Chea was
11 not a spy and we had to find the one who killed <>Chea. <He said
12 the chief of Tram Kak district had to identify the killer. And if
13 the killer was not found> then that <district chief> would be
14 buried under the ground up to the neck <and have the ox-rake run
15 over. Ta Mok came to hold meetings three times> and after that
16 Yeay Khom was afraid and fled to Koh Kong.

17 Q. Fine. I would like to turn now to the biographies again. Where
18 were the biographies kept? Were they kept in the commune
19 registers or would the communes forward the biographies to the
20 district level?

21 A. I do not have a firm understanding on the issue of biographies
22 as I was not allowed to know about this matter.

23 [11.18.00]

24 Q. Can you tell us if, on the basis of your observations, people
25 with bad biographies <or> with a bad past, such as the 17 April

1 People, were these people particularly <monitored> by the commune
2 or district militia<>?

3 A. At that time, I saw people going around asking people <in
4 villages and communes> to -- actually to make a list of people
5 and the person who did that was the chief of the district youth
6 <office>. And after he made a list about the people with their
7 political tendencies, then the list would be sent to the district
8 office and that was also for the purpose of selecting people or
9 youth to work for the district office.

10 Q. Now with regard to the biographies, I would like to read out
11 what someone who testified before the Chamber said. But before
12 that, I'm going to ask you if you know that person, <it's>Yeay
13 Boeun, <otherwise known as Khoem Boeun>. Did you know her <from
14 a> commune in Tram Kak district back then?

15 A. Please pronounce the name again and whether the person was
16 <Boeun or> male or female?

17 [11.19.50]

18 Q. Yes, this is a woman, Yeay Boeun -- B-O-E-U-N --who apparently
19 was a commune chief and a <deputy>district chief.

20 A. Yes, I know Yeay Boeun. She's the wife of Ta Chorn, Ta Chorn
21 was chief of Popel commune and she was in Kbal Ou village, Cheang
22 Tong commune, and after I had left, she moved up to be chief of
23 the district <together with teacher Ouch>.

24 Q. And when you say "district chief", you mean a member of the
25 district committee or a district secretary?

1 A. I cannot hear you clearly. Yeay Boeun became the chief of the
2 district after <Ta> Chay and <Ta> Chim<, Saom and Dorn had
3 already> left. <They left in August 1977.> And, in fact, she was
4 <working as the district deputy chief> with <teacher Ouch.
5 Teacher Ouch was the chief and Yeay Boeun was his deputy, but I
6 don't know who else was working with them.>

7 [11.21.23]

8 Q. Fine. So this week she testified as the former Cheang Tong
9 commune chief and <deputy district chief.> She said this at
10 Answer 254 and 255 of her written record of interview --
11 E319/12.3.2 -- and I will quote in English because we don't have
12 a French <version>.

13 Question 254: "When the commune chiefs began to collect
14 biographies from the people and found someone who had been
15 involved in the Lon Nol regime, what happened to those who were
16 associated with the Lon Nol regime?"

17 Answer by Yeay Boeun: "Immediately when the Khmer Rouge regime
18 began, they commenced making biographies of people who used to be
19 teachers, policemen or civil servants in the Lon Nol regime, then
20 they sent all of those biographies to the upper echelon. That was
21 an order from the upper echelon."

22 Question 255: "To your knowledge, what happened to those who had
23 been involved in the Lon Nol regime?"

24 Answer by Yeay Boeun: "After the biographies were sent to the
25 upper echelon, they provided the names of those people to me,

1 then I ordered the arrest of those people and sent them to the
2 upper echelon. Some were able to return, some could not. The
3 arrested ones were mostly soldiers and policemen, not many
4 teachers were sent there." End of quote. This is what Yeay Boeun
5 said about the drawing up of biographies and the arrests of
6 former policemen, servicemen and teachers in Cheang Tong commune.
7 [11.23.55]

8 Does this testimony about this procedure correspond to what you
9 may have heard with regard to what was happening in other
10 communes in Tram Kak district back then? Would things happen in
11 that <same>way -- that is to say, drawing up biographies, sending
12 them to the higher echelon which would send them to the commune,
13 which would then arrest people, did you hear about that
14 happening?

15 A. I was just a simple villager so I did not know the details on
16 this matter and only those who worked and dealt with this matter
17 would know.

18 Q. <Very well.> I was <actually> speaking to you about your
19 position at the district office. Although you were not a cadre,
20 you <may have>heard what people were saying in this office from
21 the different cadres that you were in touch with; cadres such as
22 Ruos, Phy, Khorn, or your cousin Dorn. Did they speak about this
23 process -- that is to say identifying people and arresting them?
24 [11.25.35]

25 A. Yes, that is true. While I was at the office, <the military

1 barracks were raided and the> soldiers who were arrested would be
2 sent to the district Angkar. And as for their communes; for
3 example, once they <received> instructions or orders to arrest
4 from the upper echelon for certain individuals, then <their>
5 names would be <bracketed> in red ink and then the district
6 soldiers would bring those people to the district -- that is, to
7 Neary Khom (phonetic), and that's what I saw. <I certainly saw
8 it.>

9 Q. Fine. Can you tell us where exactly, concretely speaking,
10 <the> people who were arrested were brought to, <at the district
11 level>? Were they brought to a detention centre, to a special
12 place in order to be detained?

13 A. When people were arrested because their names were <bracketed>
14 in red ink, they would not be detained, they would be executed
15 immediately and if the husbands were soldiers at the front
16 battlefield and some <raped> the wives <or daughters> of the
17 soldiers, those men would be arrested and re-educated. <They were
18 detained in the re-education school for three to five months.
19 After that, they were released.> But, for those people <whose>
20 names appeared in red <brackets -- were bracketed> in red, would
21 not be spared, they would be killed immediately. <They were
22 crushed by the wheel of the history.>

23 [11.27.40]

24 Q. We will get back to the blue and red circles after the break.
25 But now, with regard to the people who you said were re-educated,

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1 were they sent to a re-education centre, were they free to move
2 about where they wished to or were they detained in a specific
3 place to be re-educated?

4 A. Those peoples whose names <bracketed> in red would not be sent
5 to any re-education school, they would be sent away. And as I
6 said, for those who had sexual affairs with the wives of the
7 soldiers would be sent for re-education for three to six months.
8 <Then, they were released. And> as I said for those <who were
9 politically wrong and> whose names were <bracketed> in red would
10 be sent away and <they> never < returned>.

11 Q. Concretely speaking, those who were sent to be re-educated for
12 three to six months, do you know where they were sent to? Were
13 they sent to places where they would <work>like regular people or
14 were they sent to places where they were detained at night? Did
15 you hear cadres or policemen from the district office speak about
16 this?

17 [11.29.19]

18 A. I saw what happened with my own eyes. They were detained near
19 <> the district office near Angk Roka <office>. At <day>-time
20 they were asked to carry earth and then they were detained at
21 night-time, and depending on their work performance, some of them
22 <who worked well> would be released after three months. As for
23 others <who were idle or lazy>, they would be released after a
24 period of six months. <If they did a good job they would be
25 released after one month or half a month. That's a bit soft.>

1 Q. Now regarding the place where you worked, you just spoke about
2 Angk Roka. So I can conclude from that that the district office
3 was at Angk Roka. So how far <away>was the district office from
4 the office of the district committee, <in meters that is,>if both
5 offices were different? Was there only one office or were there
6 two offices?

7 A. The district committee had a house far from the district
8 office; <was all three of them did> not <permanently stay at> the
9 district office. <Only chief of the office stayed at the office
10 both day and night.> As for the re-education <school> office, it
11 was <next> to the district office as well and there was only one
12 district office and the logistic section <and warehouse were>
13 also there at the district office and <> Saom Dorn worked <at the
14 logistic and warehouse office>.

15 [11.31.12]

16 Q. Well, was the district office the same as <what was known
17 as>the <trade>office in the district?

18 A. At that time the office was referred to as the commerce
19 office; it means where goods and materials were distributed and
20 the chief of the office worked there as well. <The district chief
21 regularly came to that office. There was only one commerce
22 office, not two or three.>

23 Q. Perhaps this <will> be the last question. You talked of the
24 re-education, office very close to the district office at Angk
25 Roka, was that re-education office situated a few hundred metres

1 to the west of the Angk Roka market?

2 A. Yes, that is correct. It was located about 300 metres away.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you very much.

5 [11.32.27]

6 MR. PRESIDENT:

7 Thank you. It is now convenient to take a lunch break and the
8 Chamber would like to inform the Co-Prosecutor and the other
9 Parties regarding the proposal or the request <made> by the
10 International Co-Prosecutor <this morning> for the Chamber to
11 hear arguments from the Parties in relation to evidence obtained
12 by torture. Detailed information will be sent by an email from
13 the Senior Legal Officer <of the Trial Chamber> to the Parties in
14 a very short time.

15 The Chamber will recess for lunch and resume at 1.30 p.m. this
16 afternoon, and Mr. Ek Hoeun, it is now time for us to rest for
17 lunch and please come again to the room for the testimony at 1.30
18 this afternoon.

19 Security personnel, you are instructed to take Khieu Samphan to
20 the waiting room downstairs and bring him back to the courtroom
21 this afternoon before 1.30 p.m.

22 The Court is now in recess.

23 (Court recesses from 1133H to 1332H)

24 MR. PRESIDENT:

25 Please be seated. The Chamber will continue listening to the

1 testimony of the witness.

2 Good afternoon, Mr. Ek Hoeun. We will proceed with your
3 examination so please listen to the questions by the Prosecution
4 and respond to them.

5 Mr. Deputy Co-Prosecutor, you have the floor.

6 BY MR. DE WILDE D'ESTMAEL:

7 Thank you and good afternoon, Mr. President. Mr. Witness, I hope
8 you've had an opportunity to rest. I will proceed with my
9 questions and may I ask you to <do as you did this morning,
10 and>respond to the questions as honestly and as accurately as
11 possible.

12 Q. Before the lunch break we talked about a re-education office
13 that was at Angk Roka at approximately 300 meters from the
14 district office. Do you know who was in charge of that
15 re-education office, who was the cadre who headed that office?
16 [13.34.31]

17 A. It was Meng. I do not know whether he is still alive nor do I
18 know where he resides because since August 1978, I have never
19 seen him again.

20 Q. You said a while ago that Ruos who was working at the district
21 office was a cadre of the militias in charge of arrests, did Ruos
22 often work with Meng with regard to that re-education office?

23 A. Yes. Trucks were transporting supplies <from the province. He
24 was sent to transport> fish sauce <from Kampong Ampil and Anglung
25 Tean > to be distributed to cooperatives.

1 Q. And as regards <the>arrests and re-education per se, in the
2 office very close to Angk Roka, did Ruos often go to see Meng<in
3 order to discuss>such security matters, do you know about that?

4 A. I saw him with my own eyes when there were cases of <moral>
5 misconduct <involving men and women> in the village, the
6 perpetrators of such <moral> offences were arrested <by the
7 commune chief> and sent to the district< Angkar> and the district
8 <Angkar> would <>send them <further> to the <re-education school>
9 where Meng was working.

10 Q. Thank you. <Earlier> you said that re-education at that place
11 lasted for three to six months. Did you ever hear people in the
12 district office or militias say that people who were sent for
13 re-education under Meng were transferred elsewhere or were
14 executed; did you ever hear of that?

15 A. No, that is not true because at the end of the period of <one>
16 month and <a> half the prisoners were told that they had been
17 properly corrected and they would be released and sent back to
18 their <cooperatives> of origin so none of the prisoners there
19 were executed.

20 Q. Did you yourself see those prisoners again, subsequently,
21 <when they were> sent back to their homes? <Did you ever see any
22 of them again,>after 1979 <> for instance?

23 [13.38.14]

24 A. No, I did not see them.

25 Q. Did you ever hear of Office 204 in Tram Kak district?

1 A. I never heard of Office 109, I do not know where it was found.

2 Q. <Pardon,> let me repeat, I talked of <Office>204, <>204 not
3 109. Does <>Office 204, ring a bell to you?

4 A. Yes, I knew about that office. Inhabitants who were
5 redistributed in the villages and cooperatives were detained in
6 that office <204. People were ill-treated> in that prison<. Every
7 day and night, people were told to guard the area. Those guards
8 worked in three shifts. They had to fell small and big trees, >
9 clearing <the forests for farming> and that lasted up to 1979.
10 <This forest clearing was conducted in three phases.> When the
11 "Yuons" entered it was dissolved.> They didn't have much to eat
12 there. Many people died<>. Office 204 was <erected in> Prey
13 Kduoch <called 'O Chaot (phonetic)'. It was situated very far
14 from villages where people lived.> That place was <in the middle
15 of forests and mountains. It was a wild jungle> very far from
16 <villages>.

17 Q. Yes, did you hear that in addition to dying because
18 malnutrition, people who were detained there were killed?

19 [13.40.40]

20 A. No never. The people detained there died and no one buried
21 them. They< lay dead in the jungle. No one took care of their
22 remains.>

23 Q. I am talking <now>of <a very specific> period, from April to
24 May 1977, so we can say that at the end of the dry season in
25 1977, do you recall whether during that period, there came a time

1 when former officers <or>civil servants of the Lon Nol regime
2 were again targeted, did they try to identify and <gather> them?
3 A. No, there were not assembled at any location. <Of course,
4 officers with ranks had been> identified and sent to <cadres> of
5 the district <Angkar> and there was a <>group <of guards
6 defending that area. Any moment regardless of daytime or
7 night-time when people were sent to the district office they
8 would be quickly sent further to be kept in the jungle. They did
9 not take a stop anywhere. Angkar was Khom.>

10 [13.42.21]

11 Q. So it was a period of intense work in the district office, if
12 I understand correctly. Why then, during that period, was there
13 that wave of identification, <of arrests,> of officers of the Lon
14 Nol regime, were any instructions issued to that effect?

15 A. I was not aware of that because there was a slogan to the
16 effect that the feudalists, capitalists and <reactionaries> had
17 to be destroyed up until their extinction<. Both the regime and
18 individuals had to be destroyed> and after that slogan was
19 bandied about, that operation was carried out. <They followed
20 that direction.>

21 Q. How was that operation conducted? Was it <the communes> who
22 brought <the>people <who had been identified>to the district
23 <office>or was it militias from the district who went to fetch
24 them in the communes?

25 A. The commune officials were not aware of that. As a matter of

1 fact, it was the district soldiers who had received lists of
2 names of persons <from the district office>, and it was the
3 district soldiers who would go and arrest those who had to be
4 arrested<. Then, they sent those people to Yeay Khom>.

5 [13.44.12]

6 Q. You made mention of lists, so <arrests were conducted>
7 according to lists, who drew up those lists of former Lon Nol
8 officers and civil servants?

9 A. As regards the drawing up of those lists, it was the youth
10 leader in the district who was in charge of that. When he
11 discovered that X was an officer, X or Y was an officer <with a
12 rank or commune chief or deputy chief or village chief> he would
13 send a report to the district Angkar and the district Angkar
14 would forward such reports to the province <Angkar> and so on and
15 so forth. <Then, the report was sent back to the district. If
16 they decided to kill a person named A the> person's name would be
17 marked red <in bracket> and then the district officer would send
18 that name to the district soldiers who would then go to <give
19 that name to Yeay Khom>.

20 Q. <Very well.>I would like to <simply>read out to you one or two
21 reports <drafted>by some <> commune officials at that time. I
22 wouldn't expect you to try to <follow along with me through> the
23 document because <that would perhaps be too>complicated.

24 [13.45.53]

25 <Very well. Firstly,> let me take an example, <it is document>

1 E3/2048. The Khmer page is 00079089; in English, 00276562 - 63;
2 and in French it is<page>200611659. This is a report by Yeay
3 Boeun, <whom we've discussed> a while ago<> from Cheang Tong
4 commune, addressed on 30th April 1977, to the Angkar<management
5 section> in Tram Kak district. <It> states <the following,>and I
6 quote; "Regarding the situation of the enemy in my base, after
7 receiving <> the successive recommendations of Angkar regarding
8 vigilance against the enemy and the cleaning up of the enemy <>
9 officers, we have monitored, examined and identified the
10 following persons."

11 [13.47.16]

12 This report makes mention of the names and ranks of <two>former
13 Lon Nol soldiers. In the same document, still E3/2048, two pages
14 later, in Khmer it is, 00079091; in English, 00276564; and in
15 French, 00611664; and that is on page 4. It is another report by
16 <> Ta Phem commune, sent during the same period -- 28th April
17 1977-- and <>reporting that the commune had, and I quote; "After
18 having received the recommendations of the Party, examined and
19 cleaned up enemies who were officers." End of quote.

20 <Mr. Witness,>I can give you many other examples of <>these
21 reports are on record, <drafted late April or early May 1977>.
22 According to these reports, mention is made of recommendations of
23 the Party, did you ever hear that recommendations from the
24 district were sent to the commune regarding the arrest of those
25 officers?

60

1 [13.48.56]

2 MR. PRESIDENT:

3 Witness, wait a while. Counsel Kong Sam Onn, please proceed.

4 MR. KONG SAM ONN:

5 Thank you, Mr. President. I would like to comment on the
6 Prosecution's <assumption>. The Prosecution says that this is a
7 document by Yeay Boeun. Whereas Yeay Boeun testified before this
8 Chamber and <she> stated that, that document was not by <her> and
9 at the bottom of that document all <she> said was evident was a
10 fact that <her> name was <below the signature> on it but <she>
11 didn't say that <she> was the author of that document<. So,
12 please don't confuse that it was Yeay Boeun's document. It's just
13 only a document that contains her name> and that is document
14 E3/2048. Mr. President, I thank you.

15 BY MR. DE WILDE D'ESTMAEL:

16 <Mr. President, if I may answer.>This has nothing to do with the
17 status of the document. It was a report which was presumably
18 <drafted>by Boeun from Cheang Tong commune. <The witness,>Yeay
19 Boeun, did not say that it was a forgery, all she (<> said was
20 that she <>didn't sign that document.

21 Q. Mr. Witness, it would appear, according to these documents,
22 that the communes were aware of that procedure of identifying and
23 arresting Lon Nol officers. Did the communes receive
24 recommendations from the district to that effect?

25 [13.50.46]

1 MR. EK HOEUN:

2 A. The district received instructions from the provincial Angkar
3 and so afterwards the province would issue instructions to the
4 district officials and the district officials would forward them
5 to the commune. There was no top down relationship; it was from
6 the bottom to the top. <Officials at the bottom sent reports to
7 the top and the top sent the people's names down to the bottom.>

8 Q. <Very well.>When you talk of province, are you referring to
9 Sector 13? Should I understand that <or,>when you talk of
10 <the>province, <are> you are referring to the Southwest Zone?

11 A. Yes, I was referring to Sector number 13.

12 [13.51.51]

13 Q. Very well. Let us press on. Regarding evacuees from Phnom Penh
14 and elsewhere who found themselves in Tram Kak district:
15 generally speaking, <in the communes,> do you know whether
16 discipline was stricter for these evacuees -- notably <for>the
17 former Lon Nol soldiers<and civil servants> -- compared to the
18 Base People?

19 A. No, they were treated the same way that is the two categories
20 of people were treated in the same way; <they did not allow us to
21 call Base People or 17 April People;> they enjoyed the same
22 rights; they had to respect one <another's rights> and so on and
23 so forth.

24 Q. I do not understand what you mean by the same rights, what
25 rights did <everyday>people have during the Khmer Rouge <period?

1 For example,> did the inhabitants -- whether they were New People
2 or Base People -- have the right to move about freely?

3 A. We were on the same footing, we did not have the right to move
4 freely, we had to carry earth from -- we had to <carry the
5 earth-carrying baskets in the morning>, we had to go out and
6 work, return and have lunch <at the same time>, you couldn't look
7 at one another with contempt. Quite obviously there were people
8 who were monitoring everyone, watching everyone, but we all
9 <loved and respected> one another.

10 [13.54.10]

11 Q. Was it not rather a question of having the same obligations as
12 opposed to having the same rights?

13 MR. PRESIDENT:

14 Wait a moment, Witness. Counsel, Kong Sam Onn, please proceed.

15 MR. KONG SAM ONN:

16 I object to the question put to the witness by the Co-Prosecutor.
17 It is as if he is drawing his own conclusions and testifying, so
18 I object to such a question.

19 MR. DE WILDE D'ESTMAEL:

20 Mr. President, I ask the question on the basis of the answer the
21 witness gave earlier. <It was understood that we're not talking
22 about rights and that they> had to live together and <>had to be
23 subject to the same monitoring, that is why I drew to the
24 conclusion that <everyone could understand that>it was more a
25 question of obligations <rather>than rights. Can I ask the

1 question, Mr. President?

2 [13.55.25]

3 MR. PRESIDENT:

4 The objection is well founded, so Witness, do not answer the
5 question. <The International> Deputy Co-Prosecutor please
6 rephrase your question or move to another line of questioning.

7 BY MR. DE WILDE D'ESTMAEL:

8 Q. Did ordinary people under the Khmer Rouge regime in Tram Kak
9 district have the right to speak freely, to criticise the regime,
10 to criticise the food <> and to say that they were not in
11 agreement to the orders that were given to them?

12 MR. EK HOEUN:

13 A. You had to keep your mouth shut. <We pretended to be mute and
14 deaf.> The rice gruel we had was very light, sometimes it was
15 only water<. The soup was only water, too> and <we> couldn't
16 complain about what <we> were given, if <we> complained <we>
17 would be led away <to the forests> immediately <in broad
18 daylight> and considered as an opponent of the cooperative.

19 [13.56.50]

20 Q. This is what Yeay Boeun said in the record of her<> interview,
21 E319/12.3.2, in answer 120. I will quote what she said in
22 English<>; "<It was my understanding that> the New People were no
23 good. They were the enemy and were not as valuable as the Old
24 People, thus they were not allowed to marry the Old People." End
25 of quote. Did you hear, during the period following the

1 evacuation of towns and subsequently, that the Party mistrusted
2 the 17 April People <and that>they were enemies as Yeay Boeun
3 pointed out.

4 A. I saw all that with my own eyes. The Base People <were also
5 watched> over<, wanted, arrested and shackled, taken away> and
6 <killed>. In any case, people were <hunted, arrested, detained
7 and shackled, they inspected both Base and New People. Most Base
8 People were killed. People> from Phnom Penh <often talked with>
9 the Base People <in a friendly and gentle manner. Then, they were
10 accused of having political tendencies. So, they all were taken
11 away. The> policy was applicable to both the New People and the
12 Base People.

13 [13.58.50]

14 Q. At any point in time in Tram Kak district, was the population
15 split into categories? In other words were people placed under
16 such categories as full rights persons, <> candidates <affiliated
17 with>the Base People <> and <the displaced, that is> evacuees<>,
18 17 April People. Did you hear of such categorisation?

19 A. I was told that I had <political> tendencies. <They began to
20 categorize political tendencies in March 1973. People were <then>
21 categorised into <three classes:> poor peasants, middle class
22 <peasants, lower class peasants and workers<. These classes were
23 considered to be good. The upper class peasants were capitalists
24 and petty bourgeoisie. These classes were considered to be of no
25 good and had to be crushed by the wheel of the history. Even my

1 parents were crushed by the wheel of the history. The wheel
2 crushed every person, provided that he/she was categorized in the
3 wealthy class. Someone who owned a small rice mill was considered
4 to be wealthy and taken away for execution. That applied to
5 everyone who had a house and many coconut trees on the property.
6 Even those who had surplus rice yields were taken away to be
7 killed, not only former officers with ranks. Every village was
8 dreadfully quiet. It was left vacant. Only dogs were around
9 barking>.

10 [14.00.46]

11 Q. I will get back to the expression you used earlier, or that
12 Khom used often, which means that everyone opposing the wheel of
13 history would be crushed. So, <I'd like> to try to determine
14 <alongside you> who were the opponents to the regime and what was
15 the fate meted out to them. You said earlier on that it was
16 impossible to <> complain about the food, otherwise one would be
17 considered a dissident to the cooperative. So, could you tell me,
18 what were the other offences, <other infractions,> that would
19 explain that someone would be accused of being <opposed to the
20 regime>?

21 A. Let me give you an example, in 1973, there was an old woman
22 who was a cousin to Ta Mok and Ta Mok was in Office 160 in the
23 forest. And Yeay Khom knew that this <woman,> Yeay <Seak,
24 (phonetic)> was bit stingy <and had a horse cart> and she went to
25 borrow a horse cart and then she said that Yeay Khom should

1 return <it> within a month. But Yeay Khom failed to do that, so
2 she went to Yeay Khom's house to locate the horse cart. <After
3 that, Yeay Khom sent the contemptible A Ros, who was killed by
4 the mob in 1979, to> arrest< Yeay Seak to be killed> and <while>
5 she was <being> walked <along the way> to be executed <> then Ta
6 Mok came across <as he just came out of Office 160. Yeay Seak was
7 blindfolded. Then, Ta Mok asked Ros who the blindfolded person
8 was. Then he> was told that she was an enemy, and Ta Mok said how
9 could you arrest an enemy with your bare hand<? Then, Ros told
10 him that she had been an enemy during the cooperative period.
11 Then, Ta Mok told him to remove the blindfold from> her <face>
12 and when she <had the blindfold removed from her face>, Ta Mok
13 saw his cousin there and then he blamed the people who made the
14 arrest of his cousin. <He then gave Mrs. Seak a ride in the car.
15 So, they went off together in his car. He asked Mrs. Seak to tell
16 him if any person dared to arrest her next time. He said that
17 Mrs. Seak had been a stingy woman. She was arrested because of
18 being stingy. Had he had not met her on the way from the forest
19 she would have been executed.> And that is a story of about being
20 stingy and not to let go of the horse cart that she owned at the
21 time to the cooperative. <She had an argument with the
22 cooperative.>

23 [14.03.29]

24 Q. Fine. I'm going to try to get back to the period that concerns
25 us the most, that is to say, from '75 to '79, because the example

1 you gave me seems to be a very <specific>example <about one of Ta
2 Mok's> cousins. So I would rather speak about <> ordinary people.
3 And maybe, let's base ourselves on what Yeay Boeun said in her
4 written record of interview, <E319/12.3.2>. And she said the
5 following at answer 91 in part and in Answer 147 and I will quote
6 in English. Quote:

7 Answer 91: "The upper echelon instructed us on who the enemies
8 were and I took those instructions back to the villages. They
9 told us to seek out the opposition."

10 Answer 147: "The ones who damaged materials walked around to
11 entice others and impact Angkar by words or opposed Angkar, or
12 used trickery were regarded as serious criminals." End of quote.

13 Do Yeay Boeun's statements correspond to what you <managed to
14 observe>with regard to the definition of the opponents to the
15 regime between 1975 and 1979?

16 [14.05.23]

17 MR. PRESIDENT:

18 Witness, please wait. And Counsel Kong Sam Onn, you have the
19 floor.

20 MR. KONG SAM ONN:

21 Thank you, Mr. President. I do not really have a strong objection
22 to this question and Yeay Boeun already testified before the
23 Chamber and for that reason her testimony is of a better
24 probative value rather than to quote her previous interviews and
25 put to this witness or rather, to refer to her previous

1 interviews by the Office of the Co-Investigating Judges
2 investigators. Thank you.

3 Q. <Mr.>Witness, then I will add an example for things to be
4 <clearer for> you. Yeay Boeun said during the hearing that
5 thieving plates or pottery belonging to the cooperative in order
6 to bury them was a serious offence. She said that last Monday at
7 around 3.30 in the afternoon. I also read out what she said --
8 that is to say, those who would destroy or damage <equipment> or
9 those who would encourage others --<via words and other means>--
10 to <oppose the regime>, those who would use <trickery>, were
11 considered <serious> criminals. Do you agree with this statement?

12 [14.07.17]

13 A. Yes, that is very true, that's what happened. And that created
14 conflicts with<> the cooperatives.

15 Q. I will get back to the distinction between light and heavy
16 offences later. There is a question I'm asking myself, because we
17 often hear people speaking about communes bringing in people who
18 have been arrested at the district level. Did the communes have
19 cell <or a space>to detain, on a temporary basis, people who had
20 been arrested before transferring them to the district?

21 [14.08.19]

22 A. The communes did not have any authority to arrest and detain
23 anyone <in the commune office>. If there was any issue then the
24 report would be made to the district and it was up to the
25 district to proceed with the arrest of that individual and <if

1 the offence was minor> the individual would be arrested and
2 detained at the re-education centre. <If the offence was serious
3 the district would send the individual back to the commune
4 Angkar. There were two types of offences: minor and serious.>

5 Q. <Yes.>Did the district sometimes ask the commune or the
6 commune militia men to arrest people on their own and then bring
7 these people to the district? The decision <still falling under>
8 the district's remit, but the actual implementation <being
9 carried out>by the commune?

10 A. Yes, that's how it worked.

11 Q. Fine. I am going to try to use a document<with you> and I hope
12 you have a certain number of documents right next to you and that
13 there's someone who can help you find your way through the
14 documents. The document I'd like you to look at is document
15 E3/4120, E3/4120. Is there anyone next to you who can assist you
16 in finding this document, <Mr.>Witness?

17 A. Yes.

18 [14.10.19]

19 MR. PRESIDENT:

20 The WESU staff, could you please assist the witness to locate the
21 document as indicated by the Deputy Co-Prosecutor?

22 MR. SAMNANG NHEM:

23 Yes, Mr. President, I located the document and I'm now taking it
24 out for the witness examination.

25 [14.10.56]

1 MR. DE WILDE D'ESTMAEL:

2 The page you need to show him is page 00270983, it is <the>left
3 hand page because there are two pages next to each other here.

4 So, 00270983; in French, 00623344; <and in> English, 00322175.

5 Would it also be possible to display this document on the screen,

6 Mr. President? The Khmer version of this document of course.

7 MR. PRESIDENT:

8 Yes, you can proceed with that.

9 [14.11.48]

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. Fine, I'm going to summarise part of this document<and read

12 out a paragraph>. So this report was sent by Khun from Srae

13 Ronoung commune and this document describes the arrest and the

14 sending to the police for questioning, of a New Person. This New

15 Person had allowed ducks to go into rice fields three times and

16 then there is a paragraph that I'm going to quote which states

17 the following: "We would like to inform the Party that on 4th

18 January 1977, there are other members of the New People who are

19 opposing Angkar and the Party, thus <we> will arrest <them>and

20 send them <forth to the Party>." End of quote.

21 In this document, <Mr.> Witness, the <term> "sending <them> to

22 the police for investigation" is mentioned; this meant sending

23 people exactly where? Was it<to> the district police, and what

24 did the district police exactly represent, where exactly <was the

25 building>were the<commune sent> people sent in order for them to

1 be questioned?

2 [14.13.30]

3 MR. EK HOEUN:

4 A. I cannot read it.

5 Q. Did you hear the question, can you answer or do you need more
6 time?

7 A. Please repeat your question as I was unclear on the question
8 you put last.

9 Q. Yes. In the document Khun says that he is sending a New Person
10 to the police to be <> questioned. So <> can you explain what the
11 police was in this case? Was it the district office? Was it the
12 security office at the district level? What does he mean by
13 "sending <someone> to the police" exactly?

14 MR. PRESIDENT:

15 Witness, please wait. And Nuon Chea's counsel, you have the
16 floor.

17 MR. LIV SOVANNA:

18 Thank you, Mr. President. I would like to object to this
19 question. In the Khmer document there is no word anywhere which
20 mentioned police. <There was only a phrase 'One after another'.>

21 [14.15.08]

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. Fine. Maybe it's an issue of translation because in French <>
24 it <says "we stopped him and sent him> to the Police <to be
25 questioned>. Mr. Witness, I will re-formulate my question, when a

1 commune would arrest someone, to whom exactly was this arrested
2 person sent to, was this person <sent>to the district militia or
3 to a special office?

4 MR. EK HOEUN:

5 A. That is true that when a person was arrested it would not be
6 sent to Angkar at the district <for trial to ascertain who was
7 right and who was wrong>, the person would be sent to the forest.
8 There would be no trial of that person and the person never
9 returned.

10 [14.16.45]

11 Q. Fine. Another question with regard to this document, do you
12 remember this Khun, <K-H-U-N,> from Srae Ronoung commune and what
13 were his duties?

14 A. <Ta> Khun in Srae Ronoung commune, was the chief of that
15 commune.

16 Q. Do you know if at any given moment, if he was <taken away
17 or>purged?

18 A. I was in another commune which was far from the district
19 office and I only knew <Ta Khun; I noticed > he went to attend
20 meetings at the district office.

21 [14.17.49]

22 Q. Fine. Now I am going to react to an answer you gave to the
23 Co-Investigating Judges, <in> document E319.1.32, questions and
24 answers 17,18 and 19, and I'm going to read out what the
25 investigators asked you at question 17: "Did the commune chief

1 have the power to arrest people?" Your answer; "The commune
2 chiefs did not have the power <to arrest people,> only the
3 district units would arrest people, day and night in fact."
4 Following question, question 18: "Did the commune level have the
5 responsibility to <pass on information> to the district level?"
6 Answer, <your answer>; "Yes, <the commune had to inform> the
7 district <> who had committed moral offences, <among others>.
8 However, they had no right to arrest them." Question 19: <What
9 was the relationship between the> commune level and district
10 level?" Answer<19>: "They <were reports on and>lists of people,
11 if anyone's name was circled in red ink pen, <the>district <>
12 would come to get that person, if anyone's name was circled in
13 blue ink pen, <they were arrested by the>commune <who> would
14 <then>take the person to the district level." End of quote.
15 So, in relation to what you said just before, that people who
16 were arrested by the communes were directly sent to the forest,
17 here you rather said that names circled in blue were arrested by
18 the commune <who would subsequently hand> them <over> to the
19 district. Can you confirm that indeed people whose names had been
20 circled in blue were <handed over> to the district by the
21 communes?
22 [14.20.11]
23 A. Yes, that is correct. <Those people whose> names <were put> in
24 blue <brackets> would be sent by the commune to the district and
25 the district would get <the district military force to bring

1 them> to the re-education office <where comrade Meng was in
2 charge>, the person would not be beaten or tortured <or
3 interrogated in the re-education office> and these <> people
4 <only made moral offences because they had affairs> with someone
5 else's wife <or daughter> and they <were not punished severely>.

6 Q. Fine. What I would like to focus on is <at what level were
7 names circled> in red <or blue in these reports,>was it the
8 initiative of <> the communes, or was it the district or the
9 sector that would do that?

10 A. After the commune conducted an investigation into a person and
11 <if> that person <was found to have> had a political tendency or
12 <connection with> CIA agent or a "Yuon" <or Soviet's KGB> spy,
13 then the commune would report <about that person > to the
14 district, the district would then <mark his/her name with> red
15 ink and send <the marked name> back to the commune and that would
16 mean to let the commune know in the afternoon the military from
17 the district would come down to the commune to arrest that
18 individual or person and as I said once such a person was
19 arrested he would not be sent to any office but to the forest and
20 killed. <There was no trial to find justice.>

21 [14.22.34]

22 Q. Fine. There is a slight contradiction that I would like to
23 look at with you. In your last written record of interview
24 E319/8.2.4, at answers 23 and 24, which I'm going to read out,
25 you said the following in English -- you said, well, in Khmer but

1 it was translated in English; "All work plans were decided at the
2 provincial sector levels then the provincial sector sent the
3 plans to districts and the districts relayed the plans to the
4 communes." Question 24: "Can you explain to us whether orders
5 related to arrest or decision to kill came from the province or
6 sector?" And you said, Answer 24: "Yes, that's right. For
7 instance the province sent reports with <the>names of the people
8 to be arrested annotated in red ink to districts, then the
9 districts would send the reports to the communes then the
10 communes would arrest the people whose names were annotated in
11 red ink. Finally the arrestees would be sent to Yeay Khom." End
12 of quote.

13 So here in your written record of interview, you added an extra
14 level, you said that in fact it was the sector that made the
15 decisions, so who took these decisions<in the end;> the sector or
16 the district and who circled names in red ink?

17 [14.24.29]

18 A. First the commune would conduct the investigation <to find
19 out> whether the person was a former KGB or CIA spy then the name
20 would be <bracketed> in blue and sent from the commune to the
21 district. Then the district would forward the <marked> names <on>
22 the <name> list <> to the <province> and not for long the list
23 <of the marked names> would be returned to the <district> and <>
24 then the district <> would <take action by sending the district
25 military force> to arrest the person and the person would not be

1 sent to any <other> office <for trial> but to the forest to be
2 executed. <They were taken away and never came back.>

3 Q. Fine. Do you know in which forest people were executed, was
4 there a special forest for that?

5 [14.25.42]

6 A. The area where they sent to <Angkar> Khom's house was about
7 200 meters from Krang Ta Chan's office and the area was called
8 Prey Kmaoch Kaun Khmeng <or burial ground forests for child dead
9 bodies> and it was to the west of the road and to the east it was
10 the Krang Ta Chan<, there was a residential and farming area
11 where local people lived and farmed. On the other side, there
12 was> an area or forest called <> Prey Lang. <Initially, children
13 who died of measles were buried in that forest. So, it was named
14 Prey Kmaoch Kaun Khmeng because dead children were buried there.>
15 People who were implicated due to political tendencies would be
16 sent there to be executed -- that is, to be killed at the Prey
17 Kmaoch Kaun Khmeng and later on <in 2000,> the skeleton remains
18 from the Prey Kmaoch Kaun Khmeng were gathered and stored <in a
19 storehouse> at the Krang Ta Chan site.

20 Q. Fine. Can you tell me if you know, if these people, the
21 <presumed political> dissidents, were questioned before being
22 executed?

23 A. That area was not an interrogation area, there was no trial,
24 there was no court, if people were arrested and sent there that
25 would be the end of it.

1 [14.27.43]

2 Q. Before the Co-Investigating Judges, you said that the <reports
3 or> lists in which the names were circled in red and in blue came
4 before you. This is at answer 26, of your written record of
5 interview, E319/8.2.4, and you said that you had seen, or that
6 you knew that these reports had been produced by the sector. And
7 apparently you found such reports in baskets in the commerce
8 office of Tram Kak district. So can you explain to us in which
9 circumstances exactly you saw these lists with the names circled
10 in red or in blue?

11 A. The reports that were sent from other sections to the district
12 office, after they were read then they would be placed into the
13 <rubbish> basket and people who smoked would sometimes get the
14 paper for their tobacco and that's the case. <The smokers had
15 read the content on the papers before they used them to roll
16 their tobacco>. And the commune would send the report to the
17 district, the district would send it further to the province and
18 later on it <decided on the arrests and> sent <its decisions>
19 back down <to the district> and <finally> it was the district
20 soldiers who would conduct the arrest.

21 [14.29.28]

22 Q. Fine, you mentioned a certain number of District 105 chiefs,
23 you spoke about Khom, and also <in your WRI you spoke>about Ta
24 Chim, Ta Kit, Ta Chay and finally you spoke about Ta San <whom
25 you've often referred to as> Teacher Ouch. And when the

1 successive chiefs of District 105 would issue orders to communes
2 where the commune chiefs allowed to not obey <or> to not follow
3 the instructions?

4 A. No. The person did not dare <to argue>, they would accept
5 every instruction from the upper echelon and these people -- <Ta
6 Ouch> came to take control of the district office, with Yeay
7 Boeun in <March> 1977 already, after Ta Chay, Ta Chim <and Ta
8 Saom> had left. <Ta Ouch became the chief of the district working
9 with Yeay Boeun.>

10 Q. Was the same also true of the sectors and the districts, did
11 the district have to obey instructions regarding policies that
12 were passed down to it from Sector 13?

13 <A. Yes. That's how they worked. However, they carried out the
14 instructions only if the instructions were correct. But, at the
15 bottom, I only heard what people said by word of mouth. I did not
16 carry out the instruction. But, I found them implementing the
17 plan. The district officials would take action immediately after
18 they received a plan or a letter of instruction from the sector.
19 They did not give themselves any spare time.>

20 [14.31.35]

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. Did you <perhaps> have the opportunity to attend meetings at
23 the level of the district <or> the sector or general assembly
24 meetings, did <you have that opportunity>?

25 MR. EK HOEUN:

1 A. Never. I was only a simple inhabitant and that assembly and
2 meetings were to be attended by officials. When open meetings
3 were held they only talked of objectives that had to be attained
4 and tasks that had to be carried out immediately.

5 Q. Mention was made of serious offences and minor offences, how
6 were the district officials or commune chiefs able to determine
7 whether a particular <type of behaviour> or offence was serious
8 or minor, do you know <what were the> criteria for determining
9 whether an offence was minor or serious?

10 [14.33.12]

11 A. Minor offences included, for instances, the fact of throwing
12 crockery, that's pots and pans, into the water<. That's a petty
13 offence. Yet, perpetrators were taken away and killed for that
14 offence> and people considered as opponents <or serious
15 offenders> were <the alleged> members of the KGB or the CIA and
16 for such people there was no need to interrogate them and there
17 was no need for a decision from the sector level, the district
18 itself would undertake to arrest such people. <After they were
19 arrested and taken away they disappeared.>

20 Q. Was refusing to work considered as a minor offence or as a
21 serious offence? And how many times did you have to refuse to
22 work in order for such an offence to be considered as a serious?

23 [14.34.20]

24 A. Regarding <handicrafts> or all such work <> considered as
25 <conflict with the cooperative,> if you didn't <harvest rice or

1 carry the soil it was a minor offence and no punishment was meted
2 out. If> you <pretended to be ill, you> were called a lazy person
3 and <the lazy> people <> were considered as pretenders <like
4 rabbits. No medical staff would> treat them. <They were good to
5 exchange for salt.>

6 Q. Were people accused of being lazy or pretending <to be ill>
7 deprived of food sometimes?

8 A. I do not understand your question. I didn't hear your
9 question; could you please repeat your question?

10 Q. No problem. I was referring to persons who did not <fulfil>
11 their work <duties,> who were accused of being lazy or people who
12 were accused of pretending to be sick in order not to work, were
13 such people sometimes deprived of food?

14 [14.36.04]

15 A. Those who pretended to be ill in order not to have to go out
16 and work were people who had kinship ties with the district <or
17 commune Angkar> officials <;> they were often group heads or unit
18 heads and they told the members of their groups and units to go
19 and work themselves and <that> they stayed at home <because> they
20 were ill<. Then, I said to them that they had assigned other
21 people to carry out the work, but they themselves did not perform
22 their work and relaxed at home. Then,> they <sobbed and>
23 complained to their <relatives> who were in a position of
24 strength.

25 Q. Regarding the Base People or ordinary people, they dare did

1 not say that they were ill, is that what you want to us <> to
2 understand?

3 A. No. However, regarding those who were ill, their parents <were
4 truly ill, their children> would go and ask for permission from
5 the <chief of the> canteen <. They told> the head of the canteen
6 that their parents were ill <and could not come to have their
7 meals>, and they would take their food rations back to their
8 parents at home who were ill. <They recognized that those people
9 had been truly sick. They did not assume that those people had
10 been lazy on the pretext that they were ill.>

11 [14.37.52]

12 Q. <Very well.>I'll cite <again> a passage <from Khoem Boeun's
13 WRI,> E319/12.3.2, and <it's> answer 148, <and>Yeay Boeun
14 <differentiates between> two situations in which food was stolen.
15 This is what she <> states. In English, answer 148: "Theft due to
16 hunger was a minor crime. Secondly, frequent thefts, which was
17 more serious, was reported to me by the lower level. For the
18 second point, the perpetrators would be arrested and some of them
19 were seen returning while others were never seen again." End of
20 quote.

21 Do you agree with Yeay Boeun when she says that to steal once
22 because one was hungry was a minor offence but to steal
23 frequently became a serious offence?

24 A. No, I do not agree with her because in District 105,
25 perpetrators of such offences, like stealing cassava or other

1 food stuff, were not punished. <They could steal cassava to eat
2 as they wished. Base People, our local fellows, stole cassava to
3 eat at home and no one troubled or punished them.> I saw everyone
4 doing such things so I cannot agree with Boeun. <The cassava was
5 for a collective purpose.>

6 [14.39.57]

7 MR. DE WILDE D'ESTMAEL:

8 Mr. President, if we were to go on break I think this would be
9 right time. <Thank you.>

10 MR. PRESIDENT:

11 The time has come for us to take a break up to 3.00 p.m. So, we
12 will resume at 3.00 p.m.

13 Mr. Ek Hoeun, we are taking a break now. You should be back in
14 the courtroom at 3.00 p.m. in order for us to resume the
15 proceedings.

16 Thank you.

17 (Court recesses from 1440H to 1501H)

18 MR. PRESIDENT:

19 Please be seated. The Chamber is now back in session. And good
20 afternoon, Mr. Ek Hoeun.

21 MR. EK HOEUN:

22 Hello, Mr. President.

23 MR. PRESIDENT:

24 We now proceed again with your testimony. And the Chamber will
25 hand the floor to the Co-Prosecutor, then to the Lead Co-Lawyer

1 for Civil Parties to put questions to Mr. Ek Hoeun. You may
2 proceed, Deputy Co-Prosecutor.

3 [15.02.22]

4 BY MR. DE WILDE D'ESTMAEL:

5 Thank you, Mr. President. I'm going to be putting questions to
6 the witness for about another 35 or 40 minutes. And my colleague,
7 Ty Srinna, will put her questions during the last 20 <>.

8 Q. <Mr.>Witness, I know that the day has been long and that you
9 might be tired. So I'm going to ask you please to concentrate so
10 that we can discuss another major topic <this afternoon>, which
11 is the fate of the Vietnamese who were living in Cambodia. And
12 then <that of the Vietnamese or> the Khmer people who came from
13 Kampuchea Krom.

14 [15.03.07]

15 And I'm going to start by reading out an excerpt of your
16 statement before the Co-Investigating Judges. It's document
17 E319.1.32, at questions and answers 33 and 34.

18 Question 33: "Were there many Khmer Krom, that is to say Khmer
19 from lower Cambodia which is in the south of current Vietnam, who
20 lived in your area between 1976 and 1978? Do you know what
21 happened to them?"

22 And you answered at answer 33: "No, there weren't any Khmer Krom
23 who lived in<the> region. There were only Vietnamese. The
24 Vietnamese born in Cambodia were accused of being 'Yuong'. And the
25 Vietnamese who came from Kampuchea Krom such as my mother, from

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1 the village of Trapeang Chrey, for example, were all executed."

2 Question 34 from the investigator: "We think that both of us are

3 referring to the same Khmer Krom. How did they categorise

4 particular people in order to <justify their execution>?"

5 And you answered at answer 34: "Vietnamese <men who married>

6 Khmer <women had to be executed, as well as Khmer men> who

7 married Vietnamese <women>. Entire villages were <executed>." End

8 of quote.

9 So I have a certain number of questions to put to you in relation

10 to what you said in these answers. And first of all, you said

11 that the Vietnamese who were born in Cambodia were accused of

12 being "Yuong" under the DK regime. Can you explain <> why the word

13 "Yuong" was <pejorative,>disparaging or insulting?

14 [15.05.59]

15 MR. EK HOEUN:

16 A. For "Yuong" who were born in Cambodia, in Trapeang Thum Khang

17 Tboung commune, and they were living in Trapeang Chrey village --

18 and "Yuong" lived in <Trapeang Kambrae (phonetic)> village which

19 was adjacent <to Trapeang Kakoh (phonetic) village, there were

20 about six or seven families> and there were a mixture of

21 Vietnamese wives and Cambodian husbands, or Vietnamese husbands

22 with Khmer wives, Yeay Khom's plan was to take them to the

23 forest. And <the contemptible Kem> (phonetic) had a wife who was

24 Vietnamese and he was told not to go. But he insisted that he

25 wanted to go and attend the study session. So went -- so he went

1 with his wife to the forest, and that was the end of his fate. In
2 fact they were not sent to attend any study sessions but were
3 executed.

4 [15.07.14]

5 Q. I didn't understand exactly who you were speaking about. Was
6 this someone you knew or someone in your family?

7 A. I refer to the population in Trapeang <Kakoh > (phonetic)
8 village <called> Trapeang <Kambrae (phonetic)> People who
9 <dwelled in that village called Trapeang Kambrae (phonetic)> were
10 <all of> Vietnamese or "Yuon" <origin>. And Yeay Khom had a plan
11 to kill those "Yuon" people in that entire village. <So, all
12 "Yuons" in that whole village were cleansed.>

13 Q. Were there also arrests of Vietnamese who were living in
14 Cambodia? Or of Vietnamese or Khmer <who had>come from Kampuchea
15 Krom after Khom left Tram Kak district in 1976, did arrests and
16 executions continue after that?

17 [15.08.41]

18 A. Yeay Khom left in March '76 to Koh Kong province. And in
19 <March> of that year of '76, there was a plan to purge all the
20 ""Yuon" throughout the country <and in District 105>. And I did
21 not know from which level Ta Chay received that instruction. He
22 convened a meeting and <appointed> Lorn alias <Maunh> to go and
23 arrest Vietnamese living in District 105 and rounded them up.
24 First, the instructions <were given> to the commune chiefs <> to
25 gather those Vietnamese and then they would be trucked out. And

1 three days later, a truck with long trailer was sent to pick
2 those Vietnamese up from the various communes including <Leay
3 Bour,> Popel<, Ta Phem, Kus> and Angk Ta Saom<,> Nhaeng Nhang
4 <and Samraong>. So six communes sent the Vietnamese people away
5 in the truck. As for the rest of the communes within the district
6 had to do it by themselves. <Lorn alias Maunh, younger brother
7 in-law of Ta Mok, was assigned to collect and transport the
8 Vietnamese from more remote communes.> And the Vietnamese were
9 taken away and killed in the forest.

10 [15.10.21]

11 Q. Fine. I'm going to try to <put> things into chronological
12 <order>. First of all, was there a period at the start, when the
13 Vietnamese from Cambodia were exchanged against Khmer people from
14 Kampuchea Krom? Did these exchanges take place?

15 A. Yes, there was such an exchange programme. And in 1972 when
16 the country was under the reign of Lon Nol, some people from Kaoh
17 Andaet <106 and 107,> fled to live in Vietnam. And after the
18 country was liberated, Ta Mok exchanged the Vietnamese living in
19 Cambodia with those Khmer people. And some "Yuon's" actually had
20 conflicts within the cooperative as they <stole hoes, knives and
21 axes and threw them> some <> cooking pots <into the water>, etc.
22 <It was very difficult to control them.> Then Ta Mok cancelled
23 the exchange programme. <He instructed Ta Chay to gather and take
24 them away.> Because when we -- after the exchange program, those
25 people who came from Vietnam created troubles within the

1 cooperative.

2 Q. Were there also Khmer Krom or Vietnamese who were bought from
3 Vietnam when the DK forces went into Vietnamese territory?

4 A. The exchange program was for the Cambodian people who fled the
5 country in 1972. So after the country was liberated, Ta Mok made
6 the arrangement for the exchange program for the "Yuon's" living
7 in Cambodia, for those Khmer who had fled to Vietnam earlier.

8 <But, those people committed a lot of thefts. So, Ta Mok
9 cancelled the exchange program and asked Ta Chay to round them
10 up. Then, they were all sent away to the forest.>

11 Q. Fine. You said in your -- at answer 62 of your written record
12 of interview, E319.1.32, that, "then there were no more exchanges
13 with Vietnamese but they would execute <those> who were on
14 Cambodian <soil>." End of quote. Can you tell us as of when this
15 exchange program ended and therefore when executions started?

16 [15.13.39]

17 A. Started from 1976, there was a plan of the exchange program
18 for the Khmers living in Vietnam to the "Yuon's" who lived in
19 Cambodia. But later on, since it was difficult to control those
20 Khmer who had lived in Vietnam and who were exchanged to
21 Cambodia, the exchange program was cancelled. <There were no
22 Khmer Kampuchea Krom living in Tram Kak district.> The Pol Pot
23 regime killed the "Yuon's". And before that, the Lon Nol regime
24 also <killed> the "Yuon's", as hundred thousands of "Yuon's" were
25 gathered and placed in Dai Pram School (phonetic) in the

1 provincial town of Takeo. Then the soldiers would gather and
2 surrounded that school and fired <small and big guns> and killed
3 all those "Yuon's" inside the school. So the Lon Nol regime
4 actually did more killing of the "Yuon's" than the Pol Pot
5 regime.

6 Q. Yes. But let's just focus only on what the Pol Pot regime did
7 because this is what we are considering here. I have a <> request
8 for clarification regarding the Khmer who had come from Kampuchea
9 Krom and who had been living in Kampuchea Krom for a long time,
10 who <perhaps> spoke Khmer at home -- according to the Khmer
11 Rouge, were these people considered <> full-fledged Cambodians or
12 were they <considered to be in the same league as the>
13 Vietnamese?

14 [15.16.05]

15 A. <None of the Kampuchea Krom people>came to live <in these five
16 districts in Takeo>. There were only those Vietnamese people who
17 were born and lived in Cambodia.

18 Q. Fine. We will look at a few documents a little later in that
19 regard. <So,> you said at answer 34, which I quoted earlier, that
20 the Vietnamese women who were married to Khmer men had to be
21 executed. And it was the same thing for Khmer men married to
22 Vietnamese women. And what about the children of a mixed couple,
23 whose parents were Vietnamese on one side and Cambodians on the
24 other, were these children subjected to the same fate as their
25 parents and were <they> therefore executed?

1 [15.17.20]

2 A. That was normal that sometimes Vietnamese <> men married
3 Cambodian <women>, and vice versa, but then <it was normal. They
4 were not punished because of that> and <in> the <Khmer Rouge>
5 regime, then they <divided social classes. So, those who married
6 Cambodian husbands or wives> had <to be> crushed by the wheel of
7 history. And the Vietnamese then had been executed since the Lon
8 Nol regime, and then the Pol Pot regime. <So, no Vietnamese was
9 present in the whole Cambodia, not even in Takeo province.>

10 Q. My question specifically concerned the children of these mixed
11 couples. Were these children faced with the same fate as their
12 parents or not?

13 A. I don't get it and I don't understand your question.

14 Q. I will try to simplify my question then. Let's take a very
15 simple case. Imagine the father of Vietnamese<origin> born in
16 Cambodia <>and the mother is <Khmer>. They have four children.
17 And you said that Vietnamese women married to Khmer men had to be
18 executed, and Khmer men married to Vietnamese women also had to
19 be executed. So what would happen to the four children of this
20 couple? What would Angkar do with them? Would Angkar execute them
21 or would Angkar place them somewhere else?

22 [15.19.34]

23 A. None of them survived. The entire family members were executed
24 <in the forest>, including the children or the unborn child.

25 Q. Can you tell me why <or> how the Khmer Rouge would justify

1 that? <When, ultimately,> we're only speaking about children
2 here.

3 A. I did not know the rationale behind that.

4 Q. Fine. You spoke about the fact that it was as of 1976 that a
5 whole cleansing was carried out with the objective of erasing all
6 Vietnamese presence in Tram Kak district. This you said at answer
7 <36> in your written record of interview, E319.1.32. Did this
8 also <continue to occur throughout> 1977?

9 A. No, it did not continue into 1977. Because by that time, there
10 was a new district head and people were not mistreated as the
11 time Yeay Boeun and Krou Ouch were there, and there was no more
12 killing as many people<, including Vietnamese> had been killed
13 already.

14 [15.21.59]

15 Q. Very well. Please let me remind you that Yeay Boeun said that
16 she had <been> appointed deputy district chief in October 1978,
17 and not in 1977. Now with regard to these dates, maybe to refresh
18 your memory, I will quote <> the written record of interview of
19 someone who testified here. A person called Cheang Sreimom,
20 <Cheang C-H-E-A-N-G,>and the <WRI> is E3/5832. And this witness
21 was based in Nhaeng Nhang commune during the DK period. And she
22 said <the following> at answer 14 of her written record of
23 interview. And this is what she says. I quote: "Towards the end
24 of 1976, the commune chief stated that the Vietnamese were going
25 to be sent back to their country. Some Khmer <even> lied and said

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1 that they were Vietnamese, <due to> the <hardship of the>overall
2 situation. These people were all slaughtered. And during the
3 first step, during 1976, the Vietnamese were <certainly> sent <>
4 back to their country. But during the second phase, they were all
5 taken away to be executed." End of quote. Do you remember an
6 announcement <allegedly made by>the district to the different
7 commune chiefs towards the end of 1976, regarding the Vietnamese
8 - as <witness> Cheang Sreimom <mentioned>?

9 [15.24.11]

10 A. No, I did not know about that. But the content of that
11 statement is correct, because that's what actually happened in
12 the area. In fact, they were told that they would be sent to the
13 district, but instead they were sent to the forest.

14 Q. Earlier you spoke about a national policy. You said that this
15 was a national decision to <eradicate or--> eliminate the
16 Vietnamese. Where did these orders <to wipe out or> to suppress
17 any Vietnamese presence <originate from>? Did you know exactly
18 where these orders came from? Did the orders come from the
19 centre, from the Party, from the Southwest Zone, from the sector,
20 <or> from the district?

21 A. I do not have a full understanding about that. I only know
22 that the district received the plan or the instructions from the
23 province. <I only knew that the provincial level gave the
24 instructions to the district and the district forwarded the
25 instructions further to the commune. They maintained regular

1 communication.> And I did not know whether the province received
2 it from the centre. <The centre came to the province only. They
3 did not give letters from the centre to the district.> Because we
4 were at the lower level, so we knew only up to the province. And
5 that's all I know about the chain of command on the relaying of
6 the plans.

7 [15.26.03]

8 Q. Fine. I'm going to read again a part of your written record of
9 interview, E319.1.32, at answer 37 as well as answer 46. And
10 here, you made a distinction between the communes that were
11 entitled to arrest and execute <the> Vietnamese <on their own>,
12 and other communes where it was the district that was in charge
13 of this. This is what you said at answer 37: "Among the communes
14 of Khpob Trabek, Trapeang Thum Cheung, Trapeang Thum Tboung,
15 Samraong, <> Kus, and Nhaeng Nhang <were endowed with autonomy,
16 meaning that> the commune chiefs <had the power to> arrest
17 <"Yuon" and execute them, as per a district-wide order>. Ta Chay
18 carried out the order to <execute> the "Yuon" <as issued by> the
19 sector." Answer 46, you said the following: "They did not need to
20 take any biographies, <> they knew <very well> who was
21 Vietnamese. As for <> the communes I mentioned earlier, commune
22 chiefs <> arrested Vietnamese nationals <themselves>and <executed
23 them>. As far as for a number of other communes, Angkar <itself
24 performed these tasks>." End of quote.
25 You said that it was not necessary to draw up biographies,

1 because people knew very well who was Vietnamese. But within each
2 commune, were there lists that had been drawn up of Vietnamese or
3 of people who had come from Kampuchea Krom who were living in
4 these communes?

5 [15.28.17]

6 A. We knew that they were Vietnamese because they spoke
7 Vietnamese. And they would be the subject of arrest <when they
8 spoke Vietnamese>. And if they spoke Khmer, then they would not
9 be arrested. And that happened in Khpob Trabek (phonetic),
10 Trapeang Thum <Khang> Cheung, Trapeang Thum <Khang> Tbound, and a
11 part of Kus commune<,> Samraong commune and Nhaeng Nhang commune,
12 as these communes were located near the base of the mountain. So
13 the commune chiefs were tasked to carry out the plan by
14 themselves. And <the chief of Samraong commune was> Ta Khem <and
15 he> did not obey the Party's instruction, and he was sanctioned
16 to do hard labour <planting soy beans> with Ta <Chay>. This is
17 just an example.

18 [15.29.23]

19 Q. So what you are suggesting here is that the Vietnamese from
20 the communes you mentioned were executed at the foot<of> or on
21 Phnum Damrei Romeal <Mountain>; is that correct?

22 A. No, that is not correct because Phnum Damrei Romeal was very
23 high. In fact, they killed <in the open field near the rice
24 fields> at the foot of the mountain <and> in the Prey Kmaoch Kaun
25 Khmeng that I mentioned earlier. <People were taken away and

1 executed around those areas.>

2 Q. Regarding the Vietnamese who were not in the communes and who
3 enjoyed some autonomy or were shielded from execution, you said
4 in<response to question 54, that is> E319.1.32, <in> the record
5 of interview, you said the following, <which>you referred to
6 earlier. This is what you stated, and I quote:

7 "The man called Lorn alias Mouy, Ta Mok's younger brother-in-law.
8 <He> was the one who went around arresting Vietnamese nationals.
9 <Lorn had arrested people in the communes of Angk Ta Saom,>
10 Popel, Leay Bour, and Srae Ronoung. <I ignore the number of>
11 Vietnamese living in Tram Kak district<>, but I know their
12 <demographics across> the four communes because Lorn said he sent
13 vehicles to transport <> 9,000 Vietnamese families <who resided
14 in> these four communes. The Lon Nol regime executed Vietnamese.
15 Only those who were outside of the district survived; the Khmer
16 Rouge regime again drove them out."

17 When you stated that <Lorn> arrested and executed Vietnamese, was
18 he alone or he was assisted by militiamen <or> members of the
19 district <or commune>?

20 [15.32.04]

21 A. Lorn's work consisted in transporting <the people. The>
22 district chiefs <sent> letters to the chiefs of the communes<,
23 instructing them to gather the Vietnamese in one place>. <Then,
24 Lorn was told to transport them in three days. They said that he>
25 transported them in <truck> to the district<>. But in reality,

1 they were taken to the forest on the foot of the mountain.

2 Q. You stated that Lorn was Ta Mok's <younger> brother-in-law.

3 When he led the Vietnamese to the execution sites, was he acting

4 under Ta Mok's orders?

5 A. He did not receive any instructions from Ta Mok or the sector,

6 but from Ta Chay. Ta Chay wrote to all the communes<> and asked

7 them to assemble the Vietnamese at a particular location where

8 <Ta Lorn came in truck to> pick them up, for instance <Ta Lorn

9 came to pick them up> in Leay Bour, Popel, Srae Ronoung, <Angk Ta

10 Saom and half of Kus > communes. <Lorn> indeed <came to collect

11 people from these> communes<. The other communes took care of

12 their tasks adjacent to the foot of the mountain.>

13 [15.33.55]

14 Q. Was Lorn also in charge of Cheang Tong <commune>or <was that

15 not the case>?

16 A. Lorn was a member of the district office. Ta Chay <worked in

17 and> was also <a member> of the district <office>. He was the one

18 who assigned Lorn to go and transport those Vietnamese <in

19 truck>. He didn't work at the commune but in the district office.

20 Q.<Yes okay> I have understood what you said. <But did he go> to

21 look for the Vietnamese in Cheang Tong <or did that commune have

22 the autonomy> to arrest and execute the Vietnamese itself?

23 A. I was not aware of that. All I knew was that Ta Chay asked

24 Lorn to transport those Vietnamese <in truck>. And Lorn used

25 <Yamong> truck<> to transport those Vietnamese. <The truck was

1 long and had 18 wheels.>
2 [15.35.33]
3 Q. Thank you. I am almost done. I would like you<now> to<simply>
4 look at three lists which you should have before you at
5 Battambang. They are the following lists, E3/4083.<I repeat,
6 E3/4083.> I will give you other references before giving the
7 ERNs. The second document is, E3/2615; and the third document is,
8 E3/2281. I'll give<you the time to-that is I'll give the person
9 from Victims Support Section assisting you the time> -- to help
10 you locate the documents. <While we wait, allow me to inform you
11 that these lists were drawn up by the commune of Tram Kak
12 district, and they>identify Khmer Krom families<in the commune
13 and they specify in each case the military grade that members of
14 each family had had during the Lon Nol region>. The three lists
15 date back to the same period. We'll start with the first, I don't
16 know whether you have it before you, E3/4083, and the Khmer page
17 that you should look at <are>, 00068033. And<subsequently> skip a
18 page and look at page 00068035. In English it is, 00323966 - 68
19 and <then>00323970 - 72; and lastly in French, 00778870 - 71 and
20 <then>00778873 - 74. Do you have the list before you,
21 <Mr.>Witness?
22 <A. I don't know what it is.>
23 (Short pause)
24 [15.38.53]
25 MR. DE WILDE D'ESTMAEL:

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1 Mr. President, in the meantime would you allow me to place the
2 relevant pages of this document on the screen?

3 MR. PRESIDENT:

4 Please proceed.

5 BY MR. DE WILDE D'ESTMAEL:

6 <Mr.>Witness, let me describe to you the contents of this
7 document<and then we'll see if you have the same document before
8 you. In any case, you will find it on the>screen. It's a list
9 from Srae Ronoung commune dated the 27th of April 1977. And on
10 the list, 37 Khmer Krom families or former soldiers of the Lon
11 Nol regime<are identified>. The list also indicates the military
12 ranks of these persons. If you don't have it before you, <it's on
13 the screen, can you see it?> -- I know it's difficult to read<>.

14 [15.40.15]

15 MR. EK HOEUN:

16 A. I never received this kind of document. No, I never handled
17 any list of the sort. I am not aware of the existence of this
18 list.

19 Q. Very well. For purposes of completion,<the> two other
20 documents are <similar lists>established by Kus commune,
21 <29th>April 1977, document E3/2615. The <last one, E3/2281, a
22 list> established by Trapeang Thum Cheung commune, identifying
23 <these> 73 Khmer Krom families <from the commune> on <4th
24 May>1977. You state that you never saw such lists. You also said
25 there were no Khmer Krom in Tram Kak district. But here we find

1 that the communes established lists of Khmer Krom. <So,> would
2 you like to correct what you said earlier or <do> you stand by
3 your statement that there were no Khmer Krom in Tram Kak
4 district<>?

5 [15.41.50]

6 A. I do not recall that. I do not know when I said that. Because
7 I was seriously ill at a certain point and I've forgotten
8 everything.

9 Q. I'm not saying that you said so, but I'm <simply>saying that
10 there are documents on record showing that the communes
11 established list of Khmer Krom. Are you confirming that you never
12 saw such a list and <that>you <also did not see> any Khmer Krom
13 in Tram Kak district during that period?

14 A. I was not aware of that. I never heard anyone talk about that.
15 I never saw people drawing up <the> list. As an inhabitant, a
16 mere inhabitant, I could not have been informed of such things.

17 [15.43.11]

18 MR. DE WILDE D'ESTMAEL:

19 <Very well, Mr.>Witness, I stand by my word and I'll give the
20 floor to the Civil Parties. I thank you<profusely> for the time
21 you've taken to answer my questions. Thank you, Mr. President.

22 MR. PRESIDENT:

23 The Chamber will now give the floor to the civil party Lawyers,
24 to the principal lawyer.

25 MR. VEN POV:

1 Mr. President, may I ask you to allow lawyer <Ty> Srinna to start
2 by putting questions to the witness?

3 <Mr. President:

4 The Chamber allows. Madam Lawyer, you may proceed now.>

5 QUESTIONING BY MS. TY SRINNA:

6 Good afternoon, Mr. President, Your Honours. Good afternoon,
7 Witness. I am Ty Srinna, civil party Lawyer. I have a number of
8 questions to put to you.

9 Q. Good afternoon, Mr. Ek Hoeun. Can you hear me? Good afternoon,
10 Mr. Ek Hoeun.

11 [15.44.38]

12 MR. EK HOEUN:

13 A. Yes.

14 Q. Before putting questions to you, I would like to seek some
15 clarifications from you. In answering a question put to you by
16 the Deputy Co-Prosecutor, you stated that inhabitants of Phnom
17 Penh were evacuated to Champa Leu pagoda. The chiefs of villages
18 and communes had been assigned to prepare for the reception of
19 these evacuees. My question to you is; who assigned the chiefs of
20 villages and communes to do so? Do you recall the names of the
21 persons who assigned the chiefs of villages and communes to do
22 that?

23 <A. Those who could not read and write were also assigned to
24 carry out the tasks.>

25 Q. Mr. Ek Hoeun, do you understand my question? If you don't, I

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1 can ask it again.

2 [15.46.14]

3 A. Yes, I properly understood your question. But each time I
4 wanted to answer it, you kept talking.

5 The instructions were from the district. The district instructed
6 the village and commune chiefs to draw up lists and <> then the
7 chiefs of communes and districts were also asked to prepare bags
8 of rice for purposes of receiving those people <at the villages
9 for seven days>. After the commune chiefs drew up the lists, the
10 district chiefs were asked to receive the evacuees from
11 <different places>. The head of the district office was in charge
12 of organising the reception of those evacuees. So it was <Saom
13 Dorn, Dek> Sim (phonetic) who was in charge of doing that <and
14 distributing the people with the commune chiefs.>

15 [15.47.26]

16 Q. As -- apart from the reception of those evacuees and the
17 preparations involved, did they ask the chiefs of communes and
18 villages to do other things <to those New People>?

19 A. Yes, they were asked to build houses for the evacuees and to
20 distribute <rice> to them. So village groups were organised so
21 all of that was provided for. <Everything was organized and
22 arranged for those people.>

23 Q. You stated that huts and houses were placed at the disposal of
24 those evacuees. Can you describe those houses or shelters? Were
25 they simply <wooden> huts or houses or thatched houses? Did the

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1 communes and the villages have at their disposal such houses and
2 shelters before they arrived or they built all that after they
3 arrived? <Could you tell the Chamber about that?>

4 [15.49.13]

5 A. As a matter of fact, the inhabitants of the liberated zones
6 had been assigned to work far from the villages. So their houses
7 were available, so many houses were not occupied. So those
8 evacuees were housed in those unoccupied homes. If it was a big
9 house, it could house two families, otherwise only one family was
10 housed in one house because the inhabitants of the village had
11 been assigned to work far from their homes.

12 Q. How about food rations?

13 A. I have already stated that China had donated rice for the
14 purpose of feeding the inhabitants who had been evacuated <from
15 the cities>. I had to offload those trucks loaded with rice, and
16 the newly arrived inhabitants were supplied with rice. But since
17 there were many Base People as well, there wasn't enough for
18 everyone. And since there wasn't enough for everyone to eat,
19 <many New People died of starvation at Leay Bour commune. China
20 provided wheat grains for us to eat. The wheat grains were bigger
21 than corns. So,> the excrements of the people looked like
22 excrements of dogs. <About 500 people in Leay Bour commune died.
23 They ate wheat grains. Even> the dogs didn't eat the <human waste
24 from wheat grains>.

25 [15.51.08]

1 Q. Please be brief because the time allotted to me is very short.
2 Tell me, did China donate the rice to Cambodia throughout the
3 regime or only after the liberation?

4 A. It was in 1975 up to <>1976. <They continued helping until the
5 middle of the year.> So they donated food for a year and half.
6 This donation was for the Old People and the New People. I
7 <became thin because >of <offloading> the rice <bags from the
8 trucks. The rice was> donated by China <for both Base and New
9 People>.

10 Q. Thank you. You talked of the wheel of history which crushed
11 people. What do you mean by that?

12 A. <I heard the> district secretary Yeay Khom <mention it--> Yeay
13 Khom said at each meeting that capitalist<, feudalists> and
14 revisionist had to be crushed by the wheel of history <until no
15 one remained. These contemptible groups had to be crushed by the
16 wheel of the history.> And the wheel of history also crushed
17 their regime. <She mentioned that in every meeting.> At the time
18 I thought that that slogan was a reference to the former civil
19 servants of <Samdech> Sihanouk regime. <Actually, they referred
20 to even those individuals living near my house.>

21 Q. All I was expecting of you was to say whether Yeay Khom had
22 invented that slogan <herself> , or that slogan was from
23 elsewhere.

24 [15.53.12]

25 A. No. All I know is that at each meeting, <she> made mention of

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1 that slogan - <she> uttered that slogan. <I did not know from
2 where she had received the instruction or plan.>

3 Q. You talked of Ta Mok. You said that Ta Mok had come to conduct
4 three meetings and that he talked about the digging of canals. So
5 can you tell the Chamber whether <the> inhabitants of <Tram Kak
6 cooperative were required> to dig canals?

7 A. Have you completed your question? If you have, I will answer
8 it.

9 Q. Yes, I am done. You can answer the question.

10 [15.54.04]

11 A. All the inhabitants of <the entire> Tram Kak <district> got
12 down to work, digging canals and dykes <both day and night>. They
13 organised ceremonies <every day. They planted> poles and <raised
14 red> flags. <They said that the red flag represented both back
15 and front battlefields. People at the front battlefield shed
16 their blood and shielded themselves with the flag. People at the
17 back battlefield shed their blood in the same way. The red flag
18 meant launching offensives in the battlefield to build dams and
19 canals day and night.> And they said that these were offensives
20 in the construction of dykes and canals. And we ate <our meals>
21 only at 9 p.m. And after the meal, we had to resume work up to 10
22 p.m. And during the day at about <11.30>, we had to take our
23 <lunch>. We couldn't eat at the appointed time and it often
24 happened that we ate at 1 p.m. <The Pol Pot period was extremely
25 terrible.> No one would dare <to> say anything because we were

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1 afraid, and all we had to do was to do our job.

2 MR. PRESIDENT:

3 Please turn on the microphone.

4 [15.55.18]

5 BY MS. TY SRINNA:

6 <Was> it only the New People who were asked to dig canals or
7 others were asked to do the same? There was no distinction
8 between the New People and the Base People; the Chinese and the
9 Cambodians?

10 MR. EK HOEUN:

11 A. <No> distinction was made between ethnic groups. Everyone had
12 to work to construct the Khpob Trabek dam. <Even monks had to
13 build canals like ordinary people. Later on, there was no monk
14 anymore. All monks were defrocked to build canals.>

15 Q. According to what you were able to observe, when people were
16 overworked, were people punished or tortured because they could
17 no longer carry out their work?

18 [15.56.26]

19 A. At the time, people were not yet being maltreated. The people
20 were not being maltreated. Workers were sometimes sick, they had
21 problems feeding themselves, they worked and sometimes they <had
22 external anal sphincters stuck out,> bled and died on the
23 worksites. <In spite of poor health conditions, workers dared not
24 say any words.> But no one was punished at the time.

25 Q. You state that the New People and the Base People enjoyed the

1 same rights and <had> to respect one another. But you also stated
2 that many people <were screened or investigated. But, enjoying
3 equal rights means people do not mind one another.> Can you tell
4 the Chamber whether those who watched others kept <watching> on
5 everyone <every> day<>.

6 A. The New People lived in my home. <I witnessed it with my
7 eyes.> And in the evening, people would <secretly sit under> the
8 house to listen to what they were saying. And if they said
9 anything that was critical of the regime <three times>, they
10 would be arrested and they were taken away and never seen again.

11 Q. From where were those guards who kept <watching> on the people
12 sent? <Or, did they voluntarily eavesdrop upon the people's
13 conversation?>

14 A. They were from the district. So all night, they would
15 <assigned to sleep> under the houses to listen to the people. And
16 when they had obtained the information they were looking for,
17 they would report back to the district which would then take the
18 necessary decisions <on whether arrests should to be made>.

19 [15.58.59]

20 Q. I'll move into another line of questioning regarding the CIA
21 and the KGB. In Tram Kak district, as regards those who were
22 members of the CIA or KGB networks, those people were arrested.
23 Can you give us the exact number of people who were arrested?

24 A. The KGB had to do with the <"Yuon" and Russian spies> and the
25 CIA was American <spies>. And once they were arrested, they were

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1 identified and sent<, > without any consultations<, to Angkar Khom
2 right away. Then, Khom sent them away to be taught somewhere I
3 could not figure out.

4 Q. Thank you. Now, I proceed with more questions.>

5 MR. PRESIDENT:

6 Please, observe a pause between questions and answers, otherwise
7 the interpreters cannot follow you.

8 BY MS. TY SRINNA:

9 Thanks, Mr. President.

10 Q. I would like to know whether CIA or KGB agents were arrested
11 openly <or covertly>.

12 [16.00.11]

13 MR. EK HOEUN:

14 A. No. The arrests were not carried out openly. They only
15 arrested people in the evening and at night. And in the morning,
16 we <realised> that they were no longer there.

17 Q. Did everyone <in the cooperative> know that they were arrested
18 or <>only some people were aware that they had been arrested?

19 A. Well, let me give you an example. If in our group somebody
20 disappeared, we knew that that person had been arrested. And
21 therefore we could only whisper to each other secretly. We
22 couldn't speak about all of that openly of course.

23 Q. Thank you. Were the disappearances a source of fear for the
24 people in Tram Kak?

25 [16.01.24]

1 A. Yes, for everyone. The district heads, the commune chiefs, the
2 village chiefs, even they were afraid. <They were so afraid that
3 they could hardly eat their rice or drink water.> Everyone
4 shivered because there were so many arrests.

5 Q. Thank you. Now I would like to speak about the purges <of
6 enemies> within the <Party>. Were there arrests <of enemies>
7 within the <Party> outside of the CIA or KGB agents?

8 A. Yes. <There were arrests within the groups of the Communist
9 Party.> But that was done secretly. We were told -- or they were
10 told that they were going to be educated <at so and so schools.
11 But, they were held at gun-points and arrested in those schools.>
12 That's how we learnt about all of this. <People whispered to one
13 another everything they had known.>

14 Q. Now I would like to ask you if in Tram Kak district, there
15 were marriages <during the time you were in the district>?

16 A. Yes, there were marriages, and the couple did not like each
17 other. And because the husband had some <ringworm all over his
18 body>, so the wife did not want to stay with him. <The woman was
19 very pretty. She refused to live together with that man.> And
20 then she was <left alone near> the graveyard <or Memorial Grounds
21 where hundreds thousands of former combatants had been buried> in
22 order to scare her off so that she would consent to consummate --
23 consummation of the marriage. And that's how it happened. <When
24 the husband went close to her she scratched him.> But then the
25 woman, she refused to stay with the husband <forever>.

1 Q. And regarding the forced marriages, were there several cases
2 of such marriages in Tram Kak cooperative?

3 [16.03.30]

4 A. It happened in every cooperative. They were all arranged
5 marriages. And there were many cases of disagreement between the
6 married couples. <There were more cases of disagreements than
7 consents.>

8 Q. Was torture inflicted on those who did not follow the
9 instructions to marry a partner?

10 A. <There was no torture.> I just gave you an example that the
11 woman was <left alone> at the graveyard in order to scare her off
12 so that she would return to consummate the marriage. <When the
13 husband went to see her she scratched him hard, preventing him
14 from touching her.> And this kind of practice happened elsewhere
15 <in all communes>.

16 Q. My <> next question is related to a new topic on Buddhism.
17 Were people allowed to practice Buddhism in Tram Kak cooperative?

18 A. At my place, Ta Chim was the deputy head of the district who
19 said that Khieu Samphan - <Ta Nuon Chea<, Ta> Khieu Samphan <and
20 Ta Pol Pot> held a meeting with <Hu Nim and> Hou Yuon. And Hou
21 Yuon was the one who created the reforms for the <villages,
22 communes and> cooperatives. And there was a decision to abolish
23 Buddhism or currency or <incantation>. However, Hou Yuon and Hu
24 Nim said <no> on the issue of the abolition of these <three> main
25 areas, <religions, incantation and currency> in the society<.

1 They said we had to maintain what they were doing at that time
2 and that they should not get rid of them immediately. They had to
3 do it gradually.> But it was said that Pol Pot did not agree with
4 that and accused of Hu Nim and Hou Yuon of betrayal, and then
5 they were executed. And later on, <my elder brother-in-law said>
6 they <felt> regret <for killing Hou Yuon>. And <they said that
7 had they had followed Hou Yuon they would not have been wrong.
8 They already won a victory. If> people were allowed to practice
9 Buddhism, maybe the regime was not defeated in the end. <Ta Chim
10 kept lamenting for their deaths.>

11 [16.05.48]

12 Q. Thank you. A while ago you spoke about canal digging and that
13 monks were used to do that work. Were monks allowed to stay in
14 robe when they were used to dig canal?

15 A. No, there was no robe. <Each> monk <wore> a <sash-like
16 garment>, and then they had to carry earth. However, they were
17 <in their separate group and> not put to work mixing with women.
18 <They had no undergarment or upper garment.>

19 Q. Did you know the number of monks who were disrobed in the
20 entire Tram Kak cooperative?

21 A. No, I would not know as gradually it happened. One or two
22 monks would be disrobed at a time.

23 Q. I have three more questions, Mr. President. I know that the
24 time is up. And thank you for granting me the opportunity.

25 In the case that people died, were their relatives informed so

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1 that they could follow a ritual for the dead?

2 [16.07.15]

3 A. At that time, if soldiers died in the battlefield, then the
4 parents would be notified of their death, and that's all. <No
5 money was paid. No ceremony was conducted.>

6 Q. Thank you. My next question is in relation to Prey Kmaoch Kaun
7 Khmeng. And a while ago, you said that many children died as a
8 result of measles and some <people> were sent to be killed there.
9 From your observation, when the killing started at Prey Kmaoch
10 Kaun Khmeng?

11 A. I'd like to bring two points to you. Before 1970, people<'s
12 children> contracted with <chickenpox or> measles and they were
13 buried there at that forest. At that time it was called Prey
14 Lang. And it was about only 50 metres from Krang Ta Chan. It was
15 on the other side of ox cart path. So, young children were buried
16 there. And later on, it was known as Prey Kmaoch Kaun Khmeng as
17 many children who died were buried there. And during the Pol Pot
18 regime, people were brought in to be executed also at the same
19 location at Prey Kmaoch Kaun Khmeng. And Khom's office was not
20 far from there. It was about 200 metres away. <Khom had security
21 guards protecting her.> And that's how I know about the location.
22 And as for the existence of Krang Ta Chan, it happened at a later
23 stage.

24 [16.09.20]

25 Q. This is my last question. When people were taken away and

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1 executed at Prey Kmaoch Kaun Khmeng, were they instructed to dig
2 their own pits or had pits been dug?

3 A. No pits were dug. And people were killed and then they fell
4 onto the ground and died there. There was no pit. <Their dead
5 bodies were scattered all over the forest like animals.>

6 Q. Were a lot of dead bodies scattered on the ground from your
7 observation?

8 A. You want to know for certainty, you had to look at the big pit
9 where they stored the skeleton remains. Because a lot of
10 Vietnamese people too had been taken and killed there. There were
11 many, many dead bodies. And during the Pol Pot regime only adult
12 people were killed there. <In 1979, when Vietnamese defeated Pol
13 Pot the Khmer Rouge fled into the jungles. Then, Vietnamese
14 invaded everywhere and fired at people randomly. So, old and
15 young people were killed. Big and small skeleton remains were
16 gathered and stored in the memorial stupa. So many people were
17 killed in 1979. Pol Pot killed only people with big heads.>

18 [16.10.34]

19 MS. TY SRINNA:

20 Thank you for your response. And Mr. President, I don't have any
21 further question.

22 MR. PRESIDENT:

23 And Counsel Kong Sam Onn, you have the floor.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President. First, I'd like to touch up on the time

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1 allocation. And secondly, the assigned Counsel for Lead
2 Co-Lawyers tried to elicit the conclusion from the witness.
3 However, the question did not touch upon the <> base for the
4 conclusion or observation of <how> the witness <had seen, known
5 or heard the facts> or the specific timeframe in relation to that
6 particular fact or event. <So, the witness only mentioned what he
7 wanted to say, and thereby not specifying the basis of when he
8 had heard about the fact or event or how it happened.>

9 MS. TY SRINNA:

10 Mr. President, due to the time constraint, I skip some questions
11 and as for -- on the matter of the observation, we all know that
12 this witness went through the regime. And my question was
13 directly related to his personal opinion. Without going through
14 the experiences, he cannot give us his observation.

15 [16.12.58]

16 MR. PRESIDENT:

17 Thank you. The Chamber will adjourn the proceeding now and resume
18 tomorrow, that is Friday 8 May 2015, commencing from 9 o'clock in
19 the morning. Tomorrow the Chamber will continue to hear the
20 testimony of the witness, Ek Hoeun, via a video link. And this
21 information is for the Parties and the public.

22 And Mr. Ek Hoeun, the Chamber is grateful of your testimony:
23 however, it is not yet concluded. And you are invited again to
24 testify via video link tomorrow, commencing from 9 o'clock in the
25 morning. So please be ready in that office before 9.00. And you

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1 may take a rest now.

2 MR. EK HOEUN:

3 Thank you.

4 [16.12.49]

5 MR. PRESIDENT:

6 Security personnel, you are instructed to take the two Accused

7 back to the detention facility <of the ECCC> and have them

8 returned to attend the proceedings tomorrow morning before 9

9 o'clock. The Court is now adjourned.

10 (Court adjourns at 1613H)

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