



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

10 September 2015

Trial Day 326

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 31-Mar-2017, 15:17
CMS/CFO: Sann Rada

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
EM Hoy
Maddalena GHEZZI

Lawyers for the Civil Parties:
Marie GUIRAUD
HONG Kimsuon
PICH Ang
VEN Pov

For the Office of the Co-Prosecutors:
Joseph Andrew BOYLE
SENG Leang

For Court Management Section:
UCH Arun

I N D E X

Mr. SENG Kuy (2-TCW-832)

Questioning by Ms. GUISSÉ..... page 2

Questioning by Mr. KONG Sam Onn page 23

List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|--------------------------|----------|
| Mr. BOYLE | English |
| The GREFFIER | Khmer |
| Ms. GUISSÉ | French |
| Mr. HONG Kimsuon | Khmer |
| Mr. KONG Sam Onn | Khmer |
| The President (NIL Nonn) | Khmer |
| Mr. SENG Kuy (2-TCW-832) | Khmer |

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 For this morning's hearing, the Chamber continues to hear the

6 remainder of the testimony of the current witness. And Mr. Em

7 Hoy, please report the attendance of the Parties and other

8 individuals at today's proceedings.

9 THE GREFFIER:

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

11 are present. Mr. Nuon Chea is present in the holding cell

12 downstairs. He has waived his right to be present in the

13 courtroom. The waiver has been delivered to the greffier. The

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

15 Seng Kuy, is present in the courtroom. Thank you.

16 [09.02.43]

17 MR. PRESIDENT:

18 Thank you. The Chamber now decides on the request by Nuon Chea.

19 The Chamber has received a waiver from Nuon Chea, dated 10

20 September 2015, which states that due to his health; headache,

21 back pain, he cannot sit or concentrate for long, and in order to

22 effectively participate in future hearings, he requests to waive

23 his rights to participate in and be present at the 10 September

24 2015 hearing.

25 Having seen the medical report of Nuon Chea by the duty doctor

2

1 for the Accused at the ECCC, dated 10 September 2015, which notes
2 that today Nuon Chea has back pain and dizziness when he sits,
3 and recommends that the Chamber grant him his request, so that he
4 can follow the proceedings remotely from the holding cell
5 downstairs.

6 Based on the above information, and pursuant to Rule 81.5 of the
7 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
8 follow today's proceedings remotely from the holding cell
9 downstairs via audio-visual means. The Chamber instructs the AV
10 unit personnel to link the proceedings to the room downstairs, so
11 that he can follow it, and that applies to the whole day.

12 And the Chamber will hand the floor again to the defence teams.
13 Yesterday, the Nuon Chea Defence stated that they did not have
14 any questions to be put to this witness. The floor is now given
15 to the defence team for Khieu Samphan.

16 [09.04.47]

17 QUESTIONING BY MS. GUISSÉ:

18 Q. Thank you, Mr. President. Good morning. Good morning to
19 everyone, and good morning, Mr. Seng Kuy. My name is Anta Guisse,
20 and I am International Co-Counsel for Mr. Khieu Samphan. And it
21 is in this capacity that I'm putting some additional questions to
22 you. First of all, I would like to ask some questions regarding
23 geography, to have you specify your area of origin. You say that
24 you are from Angkor Ban Two. That is in Angkor Ban commune. And I
25 understand that there are nine villages in Angkor Ban. In 1975

1 <at least,> there were indeed nine villages in Angkor Ban; is
2 that correct?

3 MR. SENG KUY:

4 A. Yes. Good morning, Counsel. What you have just quoted in your
5 statement, in your question, is correct.

6 Q. And do you agree with me that Angkor Ban commune <was> in Kang
7 Meas district; is that correct?

8 [09.06.08]

9 A. Yes, Angkor Ban is located in Kang Meas district.

10 Q. Can you tell me how many communes there are in Kang Meas
11 district?

12 A. There are 11 communes in Kang Meas district. I can even tell
13 you the names of those communes, if you wish.

14 Q. What is relevant to me is the period from 1975 to 1979. Can
15 you give me the names of the communes which were in Kang Meas
16 district during <that> period? <Can you describe the
17 administrative breakdown?>

18 A. Under the Khmer Rouge regime, I do not know for sure the names
19 of those communes. However, I know for sure the names that are
20 being used at present. And under the Khmer Rouge regime, I am not
21 sure as to how many communes were under the Kang Meas district,
22 or what their names were.

23 Q. Does the <> Peam Chi Kang <commune> mean anything to you? <>

24 A. Yes, I know Peam Chi Kang commune. It is adjacent to the
25 Angkor Ban commune.

4

1 Q. Did that commune exist during the period of Democratic
2 Kampuchea?

3 A. Under the DK regime, yes, the commune of Peam Chi Kang remains
4 the same.

5 [09.08.28]

6 Q. Is it correct to say that Au Trakuon pagoda was in that
7 commune?

8 A. Au Trakuon pagoda, yes indeed, located in Peam Chi Kang
9 commune.

10 Q. I would like us to talk about the sector now. Do you remember
11 in what sector <or> what region, Kang Meas district was situated
12 during the period of Democratic Kampuchea?

13 A. During the DK period, I do not know whether Peam Chi Kang or
14 Kang Meas was under which sector.

15 Q. And did you know in what zone your commune was situated?

16 A. I am not sure about that.

17 Q. Did you hear the name "Central Zone" or "North Zone"? Does
18 that mean anything to you?

19 [09.10.26]

20 A. I don't. Actually, I only heard people talking about the North
21 Zone or the Central Zone. And of course, the North Zone should be
22 located towards the north of the -- towards the north of the
23 country. But I didn't know as to which provinces were encompassed
24 under the North Zone territory.

25 Q. No problem with that. I would like us to talk about the period

5

1 prior to 1975, which you <> referred to somewhat yesterday. You
2 stated that during that period, before 1975, your village was
3 adjacent to Cham villages, if I understood you correctly. And <>
4 those Cham villages were in Angkor Ban <One> and Angkor Ban
5 Three. And you pointed out that you shared a road, but you did
6 not have any close relations with the Cham. Did I properly
7 understand your testimony?

8 A. The common road was actually a main road, situated along the
9 riverbank, and the road stretched from Angkor Ban One, Two, Three
10 and so on, and local people used that common road. But that was
11 all; there was no frequent contact with other travellers. And as
12 you understand, the Cham people worked mostly -- their work
13 mostly dealt with fishing. So usually, in early morning they
14 would go fishing in the river. And as for us Khmer people,
15 usually we would leave in the morning to go to the rice fields.
16 [09.12.38]

17 Q. Should I take it, then, that as a matter of fact, you
18 <regularly> used the common road but you personally did not go to
19 the Cham villages?

20 A. Yes, that is correct.

21 Q. Another question still with regard to the period prior to
22 1975: in Angkor Ban, were there any pagodas? That is, in your
23 commune?

24 A. Before 1975, there was a -- in fact, there were three pagodas
25 in my commune. I refer to the pagodas where the Khmer people went

6

1 to practice their religion.

2 Q. And as regards traditions, was it customary for people to be
3 buried within the premises <or> around pagodas?

4 [09.14.06]

5 A. Regarding the burial tradition for the Khmer people, it is not
6 necessary for the burial to take place within the premises of the
7 pagoda. The burial place could be anywhere: it could be in a
8 field, or near the forest. And only a number <-- a small number
9 of families> decided to bury their relatives' bodies within the
10 premises of the pagoda.

11 Q. So, I would take from your testimony <it does> happen?

12 A. Yes, that is correct.

13 Q. I would like to talk about the period after 1975 now. You have
14 stated that you yourself were assigned to do farming, and I
15 believe you did say, unless I am mistaken, that inside <the>
16 cooperative people ate <together,> and there were about <600> of
17 you <>. Did I properly understand your testimony?

18 A. The number that you quote is correct.

19 Q. May I know whether at any point in time you recall that mobile
20 brigades or units were <set up> in your commune? Or <more
21 generally,> set up in your <district>?

22 [09.16.10]

23 A. To my knowledge, mobile unit was formed at the commune level,
24 and actually, they built a shelter in the middle of a plantation
25 which was about three kilometres from the village where the

7

1 mobile unit -- the commune mobile unit, was based. And a person
2 there was in charge. And no mobile unit was formed at a village
3 level. And as I said, only at the commune level such a mobile
4 unit was formed, and it was based in a shelter, in a building far
5 from the village.

6 < >

7 [09.17.07]

8 Q. And do you know how those mobile brigades, or units, were set
9 up? What did they consist of?

10 A. What I know is that children from the villages <in Angkor Ban
11 commune> in the mobile unit, and mostly those who were single --
12 and I refer to both male and female youth -- were gathered to
13 join that so-called mobile unit.

14 Q. I would like us to talk about what you said yesterday
15 regarding the arrival of 15 Cham persons in your village, Angkor
16 Ban Two. You said that those five or six families arrived in
17 1976. Do you know when in 1976 those families arrived?

18 A. Regarding the Cham people who were brought to live in my
19 village by the Khmer Rouge, I cannot recall the exact date.
20 However, I knew it happened in around 1976, and they were placed
21 there to work and to live with the Khmer people.

22 Q. Although you may not recall the exact date, do you recall the
23 season at least? Was it during the rice harvest? Was it during
24 the rainy season? Do you have <any indicator> that would help you
25 remember exactly when they arrived? <>

8

1 [09.19.16]

2 A. No, I cannot recall any particular time of the year that the
3 Cham people were brought in to live with us. <For that> reason I
4 don't want to provide you with a speculation.

5 Q. I do very well understand. <That is not a problem. If you do
6 not remember, please don't make something up.> You also stated
7 that, initially, those persons settled down as families, and <the
8 men> were subsequently sent to work elsewhere. Do you remember
9 who took that decision?

10 A. We could not know for sure as to who actually made that
11 decision, and what I know is that the men, or the husbands of
12 those women, were sent to work elsewhere <far away>. And I do not
13 know which <unit chief or which> commune <chief made> the
14 decision <>.

15 Q. Do you know <> within what <context> they went to work
16 somewhere else?

17 A. I am not sure. However, under the Khmer Rouge regime when
18 people were said to be sent <far away, they were assigned to>
19 work elsewhere, usually they would be sent to the worksite,
20 namely to build dam <> or to work in the rice fields.

21 [09.21.32]

22 Q. Perhaps, I could jog your memory. This is what you said in
23 your interview, E3/5301, ERN in French, 00622399; ERN in English,
24 <00210481>; and in Khmer, 00635166. This is what you stated
25 regarding those Cham <men>: "The Cham adults had been sent

1 earlier to go and work in a mobile unit in another region in
2 1976." End of quote.

3 Does that refresh your memory? Did those people indeed go to work
4 in mobile units?

5 A. I do not recall that statement. As you understand this event
6 took place many, many years ago. I recall for sure that <in
7 1976,> the men, amongst those Cham people were sent elsewhere to
8 work outside the village. And, if I made that statement in my
9 previous interview and that this event took place in April, maybe
10 I recall that month when I was interviewed that year, but now I
11 cannot recall it and I don't have the document to refer to. And,
12 that is why I said I am unsure of the <month>.

13 Q. <> I don't know where <the month of> April comes from, because
14 <I do not believe that month was mentioned in the quote from your
15 interview, but that is not a problem, I understand that you do
16 not remember the exact circumstances and I will leave it at that.
17 I would like to go back to the arrest of Cham families who had
18 remained behind, which you mentioned yesterday.> And, the women
19 and children stayed behind while the men went out to work<, if I
20 understood correctly>. Do you agree with me that there were only
21 about 10 people left?

22 A. Yes, I agree and that is correct.

23 [09.24.45]

24 Q. Between the time when those people arrived in 1976, and 1977
25 when they were arrested, do you agree with me that you lived

10

1 side-by-side with those people and you ate collectively, you ate
2 in common? And, generally speaking, everyone lived under the same
3 conditions, to use your own words.

4 A. The way they lived, the way they eat -- the way they ate
5 communally, yes. And, I agree to the quote just read out.

6 Q. Let us now talk about the day of the arrest. And, you said
7 that the person who <led> that arrest was a person called Run,
8 who was <the> chief of security in the commune. Is that correct?

9 A. Amongst those who came to make the arrest was Run, who was in
10 charge of the commune security. And, what you read out is
11 correct.

12 [09.26.27]

13 Q. And do you know for how long Run had been in charge of
14 security <by> the time of the arrest?

15 A. To my knowledge, from the time that the Khmer Rouge took
16 control in 1975, Run held that position. And, <as of> the day the
17 Cham people were arrested, Run <had remained in the role as the>
18 commune security <chief>.

19 Q. Yesterday, as I looked at the notes I took, you used the
20 expression "communal forces" in referring to persons who
21 accompanied Run when the arrests were carried out. Can you be
22 more specific <about the people who accompanied Run? How many
23 were they>? And, did you recognize any of those persons?

24 A. Within the group, there was Run and there were between four to
25 five men who were his subordinates. And, amongst the -- the

11

1 subordinates, I recognized one man well as he lived in Village
2 Number Four which was not far from Village Number Two. <During
3 that era, Angkor Ban four, three and two were adjacent to each
4 other.> And his name was <Pruonh> Ny (phonetic). However after
5 the collapse of the regime the people took revenge on him and he
6 was slashed to death, as the -- in the case of Run. So I, besides
7 Run, I only know one other person amongst the group.

8 [09.28.54]

9 Q. Although you may not recognize them, do you know whether all
10 those persons hailed from Angkor Ban commune?

11 MR. BOYLE:

12 Mr. President.

13 MR. PRESIDENT:

14 Deputy Co-Prosecutor, you may proceed.

15 MR. BOYLE:

16 An objection to the question if the witness just clearly stated
17 he didn't know who the other individuals were, so he wouldn't be
18 able to state whether they were from Angkor Ban commune or not.

19 [09.29.39]

20 BY MS. GUISSÉ:

21 I will rephrase my question, therefore.

22 Q. Witness, did the communal forces within Angkor Ban commune
23 have a special uniform?

24 MR. SENG KUY:

25 A. The security forces of the commune wore black clothing with a

1 scarf on their neck.

2 Q. Was it a scarf that was very distinct from others?

3 A. No, the scarf did not have any distinct feature. And, it was
4 just a black uniform with a scarf.

5 Q. Do you know if Run had other duties outside of the commune?

6 A. I do not know. What I know is that Run was in charge of the
7 commune security and he was the one who made arrests of people in
8 the commune. And, while I was ploughing the field, sometime I saw
9 him walking to the rice fields as well. So, he did not remain
10 dormant within the village area, but he went to the plantation
11 and to the fields as well <to watch people working and
12 ploughing>.

13 Q. You spoke about a certain number of <persons yesterday who
14 were responsible at the local level>, and you spoke about the
15 Kang Meas district chief back then, a <person named> Kan. And, do
16 you know when Kan took up his duties?

17 [09.32.20]

18 A. Kan was the district chief. I do not know when he became the
19 district chief at Kang Meas.

20 Q. Do you remember when you saw him for the first time? And, what
21 was the occasion?

22 A. Kan, the district chief, came to convene a meeting in late
23 1976.

24 Q. Where did this meeting take place?

25 A. I could recall it well that the meetings were held <with the

13

1 people from> all villages <across Angkor commune. The meeting was
2 organized> in the Angkor Ban Three village.

3 Q. And do you know who <was Kan's predecessor>? Who held that
4 position before him, if you remember?

5 A. I cannot remember it. I am not sure about that so I cannot
6 tell you.

7 Q. You also spoke about a <person named> An. And, <for the
8 interpreters,> this is number two in fact on the list that I
9 circulated, in order to avoid pronunciation issues. And, you
10 spoke about him as being the deputy chief of the village whom the
11 population liked. Do you remember when An took up his duties?

12 [09.34.47]

13 MR. PRESIDENT:

14 Please hold on, Mr. Witness. You have the floor now Deputy
15 Co-Prosecutor.

16 MR. BOYLE:

17 Just a point of the clarification for the record. In the English
18 I am hearing Han, but the deputy chief of the village, my
19 recollection what the witness stated was An. So, I want to make
20 sure that the record is clear in all languages about who we are
21 discussing at this point. Horn from my recollection was the chief
22 of the Wat Au Trakuon security centre.

23 BY MS. GUISSÉ:

24 Yes, <it's> precisely to avoid these pronunciation issues that I
25 circulated the list. So, <for the interpreters,> it is indeed

14

1 number two on the list and it <> is An. <A apostrophe N (sic) in
2 French.> I'm sorry for my poor pronunciation but it is number
3 two. Indeed the deputy chief of the village, An.

4 Q. So, witness, notwithstanding these pronunciation issues, do
5 you remember when this deputy chief took on his duties?

6 [09.36.08]

7 MR. SENG KUY:

8 A. Regarding An, first, he was simply an ordinary citizen in
9 Angkor Ban Number Two village, and he was assigned to be the
10 deputy chief of a unit. <But, it was called the village deputy
11 chief.> From my recollection he became the deputy chief from
12 1975.

13 Q. And whose deputy was he?

14 A. The chief of the village was a female. She was reassigned from
15 a woman unit.

16 Q. And do you remember her name?

17 A. Her name was Nang (phonetic). After the collapse of 1979, she
18 went to her hometown in Kang Ta Noeng <village in Kang Meas
19 district>. She passed away already. She died from her disease.

20 Q. Where was her <native> village exactly? In which district?

21 A. Nang (phonetic) lived in Kang Ta Noeng <commune> in Kang Meas
22 district.

23 [09.38,26]

24 Q. And we agree that <Run>, the security chief of Angkor Ban
25 commune was also <> from Angkor Ban Number Seven <originally>. Is

15

1 that correct?

2 A. Yes, I agree.

3 Q. And my last question regarding the origin of the people in
4 charge. So, the district chief Kan, he originally came from
5 where? If you know.

6 A. Regarding home village of Kan, I have no idea. He only said
7 that he came from the Southwest Zone when he attended meeting and
8 chaired the meeting. And, he said that he was from Takeo
9 province.

10 Q. You also spoke about the <> head of the security centre at the
11 Au Trakuon pagoda, Horn. And, do you know where he came from
12 originally? And, do you know when he took up his duties<>? So,
13 that is the first name on the list that was circulated<, for> the
14 interpreters.

15 A. I do not know about Horn. I do not know when he came to take
16 up the duty as the chief of the <district> security centre. As
17 for his home village, I am not quite sure. When Kan chaired the
18 meeting, Horn was with him. And Horn was introduced by Kan that
19 Horn was the chief of the <district> security centre. And Kan
20 also said that Horn was also from Southwest Zone.

21 [09.41.03]

22 Q. A last point of clarification. Do you make a distinction
23 between the security chief of the commune and the militia chief,
24 or were both the same in your eyes?

25 A. The two positions were the same.

16

1 Q. I am now going to put questions to you regarding what you know
2 about the Au Trakuon pagoda. You already said that it was located
3 in Kang Meas district. And you <confirmed> that it was in Peam
4 Chi Kang commune. And do you know, outside of Horn, who worked at
5 that security centre?

6 A. I do not know others besides Horn.

7 Q. At any point in time, did you ever hear about the "Long Swords
8 Group" or the <"Long Sword Group" or the "Long Sword
9 Militiamen"?>

10 [09.42.43]

11 A. I noticed there were militiamen who were the subordinates of
12 Run, and these militiamen were armed with swords at night time;
13 no other weapons other than swords that I saw at the time.

14 Q. And do you know if, in Peam Chi Kang commune, <> there were
15 also militiamen armed with long swords?

16 A. I do not know about Peam Chi Kang.

17 Q. Now, I <will> turn to the period after 1979, which you spoke
18 about with my colleague from the civil parties yesterday. And you
19 said that you had partaken in a meeting right after the fall of
20 the regime during which the number of people who had died at Au
21 Trakuon was discussed. And my first question is, do you remember
22 when this meeting took place?

23 A. That meeting was held after 1979, by the district chief. And
24 the meeting was held <in parallel with a Buddhist ceremony>
25 within the compound of Au Trakuon pagoda.

17

1 Q. Who was the district chief back then?

2 A. <The meeting was not> held <immediately after the end of the
3 regime>. It was held <> after 1979, <> perhaps <> in 1981 or 82.
4 [09.45.28]

5 Q. Fine. But I was asking you for the name of the district chief
6 who chaired that meeting.

7 A. His name is Chhun <Hin> (phonetic).

8 Q. I understand from your testimony and from the uniform you're
9 wearing today that you have duties within your municipality. Can
10 you specify which?

11 A. Now today, I am the commune chief and the chief of commune
12 <council> in Angkor Ban. I became the commune chief from 1997,
13 and I have been in this position until now.

14 Q. Fine. Now I would like to turn back to the period of when this
15 meeting took place within the Au Trakuon pagoda, this is in 1982
16 or 1983. So <> in which capacity <were you invited to this
17 meeting at the time>?

18 [09.47.29]

19 A. I attended the meeting at that time. I was one citizen among
20 others attending the ritual. And we were informed of the killings
21 committed by Khmer Rouge <leaders at Wat Au Trakuon>. And at that
22 time, the figure of people died during the period was estimated
23 around 30,000. And I was one citizen attending the ritual at that
24 time.

25 Q. Who provided you with that figure on that day?

18

1 A. The district chief informed everyone in the meeting about that
2 figure.

3 Q. Now, I would like to get back to part of your testimony,
4 E3/8751, French ERN, 00723813; English, <ERN> 00722236; <and>
5 Khmer, <ERN> 00716483. And I'm going to ask you to provide some
6 clarification on certain number of points after I read out the
7 excerpt to you. So you're asked, "How many victims <were there at
8 the> Au Trakuon pagoda?" And you answered: "I don't know
9 <exactly>, but according to what a state official said during the
10 commemoration ceremony that took place after the fall of the
11 Khmer Rouge regime, and <a> meeting which I attended, the number
12 of victims executed in this pagoda was approximately 30,000." And
13 you continue: "However, this figure was just <an estimate
14 offered> by some officials and not an official statistic."
15 So my question focuses on this last sentence. When you say that
16 this figure was "just <an estimate <offered by some officials and
17 not an official statistic", what do you mean exactly? And must I
18 understand that this figure was <> challenged?

19 [09.50.34]

20 A. In relation to the figure announced by the public servants at
21 that time, it was the estimated figure. The number was estimated
22 roughly around 30,000. It was not the actual figure, it was only
23 the estimated figure, and that the figure was announced to
24 everyone in that meeting.

25 Q. And do you know where the <public official> said he had gotten

19

1 that figure from?

2 A. After the end of Khmer Rouge regime, public servants invited
3 villagers to exhume the bones and skulls, and those bones and
4 skulls were collected and put in a stupa. Based on the report,
5 only the skulls were exhumed and collected at that time, because
6 there were too many bones in that area. <However, it is only my
7 estimation. I am not certain about this matter.>

8 [09.52.25]

9 Q. My question was when these bones were <exhumed>, do you know
10 if there were experts to date these remains? And do you know if
11 these exhumations were the subject of reports <or files> that
12 were then disclosed to the <public>; do you know?

13 A. I have no idea about this matter because I was not engaged in
14 the statistic and also in that assignment. <I was not involved in
15 making the report, either.>

16 Q. I am telling you this because in the case file, there is a
17 document, E3/2649, which is a report from Henri Locard, French,
18 ERN 006141111; English, <ERN> 00208395; Khmer, ERN 00660598. And
19 this is what is stated in this report. First, have you ever heard
20 of these figures elsewhere? But in any case, this is what Henri
21 Locard says:

22 "When I asked if the DC-Cam figures were reliable, that is, the
23 32,690 victims and <467> pits, he answered that the exact figure
24 he checked was 39,007 plus one, because he had witnessed the last
25 person who had been executed. So the total was of 39,008

20

1 victims". And he continues, "he does not know why so many people
2 were killed".

3 [09.54.48]

4 And Henri Locard adds the following comment: "These of course are
5 extravagant figures coming from the Cambodian People's Republic
6 that were ordered by the authorities at the beginning of the
7 regime. They could never have been so precise because we knew
8 that all of the archives had been destroyed or lost, essentially
9 out of ignorance and negligence, because it appears that the
10 authorities had no responsibility in the disappearance of these
11 archives. This is typical of DC-Cam. The young inexperienced
12 researchers of DC-Cam simply took note of the figures from the
13 Khmer People's Republic <period>, and possibly they never carried
14 out any independent investigations." End of quote.

15 So my question is, do you know if there was an independent
16 investigation at one point in time in the Kang Meas district
17 regarding these pits and regarding these figures?

18 A. I have no knowledge of that matter. It is beyond my knowledge.
19 I do not know about that matter. It has something to do with the
20 upper level.

21 [09.56.32]

22 Q. And do you know if today there is a committee at Au Trakuon
23 pagoda? And as the person in charge of your commune, have you
24 ever been invited to meetings at that pagoda committee?

25 A. No, <I did not attend the pagoda committee> meetings <>.

21

1 However, on the 20th May, annually there will be a ritual held
2 for the dead. <Every year, civil servants and ordinary citizens,
3 including Cham and Khmer people hold religious ceremonies and
4 prayers to pay respect to the dead.> Regarding the committee,
5 there is a committee within the pagoda who has <separate roles
6 and> responsibilities in <organizing rituals>. And I am not
7 <chief of Peam Chi Kang commune in which Wat Au Trakuon is
8 situated. So, I> have <nothing to do> with the <pagoda> committee
9 <meetings>.

10 Q. But do you know the members <who> make up this committee?
11 Without being part of this committee, <> do you know who is part
12 of that committee?

13 A. Regarding that committee, there has been a reshuffle. So
14 members have been changed since 1979. However, now today, I have
15 known a few members within that committee.

16 Q. And can you provide me with the names of these members,
17 please?

18 A. I have known one individual by the name Tay Koemhun. He is
19 part of the <pagoda> committee. I know this individual very well.

20 [09.59.10]

21 Q. And do you know if he had any kind of position under the
22 Democratic Kampuchea regime?

23 A. He held no position during that Democratic Kampuchea. He was
24 one of the slaves doing the rice farming. Why I mentioned his
25 name, because his birth village was the same as mine. Later on,

1 he married a wife in Sambuor Meas <village>, Peam Chi Kang
2 district near Au Trakuon pagoda. And now today, he is member of
3 the <pagoda> committee, he was selected to be <chief> of that
4 committee.

5 Q. And to be more specific, during the period of Democratic
6 Kampuchea, was that person still residing in Village Number Two,
7 or that person was already <a> resident <of> Peam Chi Kang
8 commune?

9 MR. PRESIDENT:

10 Counsel, please repeat your question, because through the
11 interpretation I heard is Preaek Achi, <which is apparently in
12 Krouch Chmar district> and it is far from the location being in
13 question here. <Now, it appears that Preaek Achi is in Angkor
14 Ban. But, our hearing today does not deal with Preaek Achi.>
15 Preaek Achi is <involved> with the previous <witness or> civil
16 party testimony.

17 [10.01.09]

18 BY MS. GUISSÉ:

19 No, Mr. President, it was a slip of my tongue. <I'm having some
20 trouble this morning.>

21 Q. My question to you, <Mr.> Witness, was whether the person <you
22 are telling us about was> already residing in Peam Chi Kang
23 <commune> under Democratic Kampuchea or <did he> already live in
24 Angkor Ban? That is, your village, Village Number Two.

25 MR. SENG KUY:

1 A. Are you asking me about Tay Koemhun and <where> he lived <>
2 during the Democratic Kampuchea regime; is that the gist of your
3 question? If that is, allow me to respond. From the period of
4 1975 to '79, to my understanding, Tay Koemhun married a wife in
5 Peam Chi Kang commune.

6 Q. So if I understand you correctly, that is where that person
7 lived under Democratic Kampuchea. <Is that so?>

8 A. Yes, that is correct.

9 MS. GUISSÉ:

10 Thank you for this clarification and I'll now give the floor to
11 my colleague Kong Sam Onn.

12 MR. PRESIDENT:

13 Thank you and Counsel Kong Sam Onn, you have the floor.

14 [10.03.12]

15 QUESTIONING BY MR. KONG SAM ONN:

16 Thank you, Mr. President. Good morning, Your Honours and
17 everyone. Good morning, Mr. Witness. I only have a few additional
18 questions to you Mr. Witness.

19 Q. In your interview notes, that is, document E3/5301, at the
20 Khmer ERN, 00635166; and in French, 00622399; and English,
21 00210481; and you also said in addition to these interview notes
22 that you worked in ploughing group. At the ERN page that I
23 mentioned you said you were in charge of ploughing. Can you
24 elaborate a bit further, were you simply a person who was
25 assigned to plough or were you in charge of the group of

1 ploughing group?

2 [10.04.43]

3 MR. SENG KUY:

4 A. Yes, I noticed the mistake in the interview note. I myself was
5 not in charge of the ploughing group, I was one of the workers
6 who was assigned to plough the field and yes, I do note that the
7 document states that I was the one who led the ploughing group
8 but that is not correct, I was a member of the group and not the
9 one who was in charge of that group.

10 Q. Thank you. Can you inform the Court, how the ploughing group
11 was organised, was it sub-divided into smaller teams <and who led
12 the group>?

13 A. Sub-groups were divided within the ploughing group. For
14 example, a <small> group could have 10 <pairs of oxen and 10>
15 ploughs and that was under a supervision of a big group unit and
16 under the big group unit, there were three small group units.
17 <Each small group had its own chief. These groups were in charge
18 of agriculture and ploughing.> I was within a group with <10
19 pairs of oxen and> 10 ploughs and we <ploughed together>, worked
20 together and we ate together within the group.

21 [10.06.27]

22 Q. Thank you. And in relation to an individual named Run, from
23 what I have heard so far throughout your testimony and in
24 addition in the same document that I just quoted, with the Khmer
25 ERN, 000635167; and French ERN, 00622400; and at English,

1 00210482; you mentioned Run as the person who ordered An, and in
2 fact you mentioned An but you corrected it later in your
3 testimony as the person actually named An. And my question to you
4 is the following, how did you learn that Run gave orders to An?

5 A. I referred to the time that the Cham people <were> arrested.
6 An was the deputy village chief who was present in the dining
7 hall and Run gave a verbal order to him to call out the Cham
8 people and the Cham children to reunite with the Cham mothers and
9 that was the order that I referred to.

10 As of the authority, although Run was in charge of the commune
11 security, he had authority over other chiefs, for example, chiefs
12 of the big units working in the rice fields in the ploughing
13 group. Everybody was afraid of Run. <Even unit chiefs were
14 frightened of Run.>

15 [10.08.45]

16 Q. Thank you. When you said that he <frightened> everybody, what
17 do you mean by that?

18 A. Allow me to give an example. Within the ploughing group when
19 Run came to <check> and <> if he <was> not <pleased> with the
20 work, he could order people to be arrested or to be refashioned
21 or to be taken away and <even> killed and that made everyone fear
22 him and if we whipped a cow or water buffalo, if that was known
23 to him then we would be called to be reprimanded or even killed.
24 <So, he was very authoritative and that's why the people feared
25 him.>

26

1 Q. Thank you. Did you personally witness any of the event that
2 is<, in which> Run <was> exercising his authority over those
3 people <other than Cham people>?

4 A. No, except the arrest of the Cham people. Run reigned terror
5 over the entire commune and I myself was stationed with the
6 ploughing group so I could not say about his activities
7 elsewhere. And of course they would not tell us about the arrests
8 that were made in the commune. We -- the arrests were not made in
9 open or in public.

10 Q. Thank you. So when you said that people were afraid of him it
11 is because of your conclusion -- personal conclusion that
12 everybody was afraid of him, but in practice you never witnessed
13 Run making an arrest of anyone and later to be refashioned, is my
14 summary correct?

15 [10.11.32]

16 MR. PRESIDENT:

17 Witness, please hold on. And the Deputy Co-Prosecutor, you have
18 the floor.

19 MR. BOYLE:

20 Thank you, Mr. President. I think for the clarity of the record,
21 Counsel should not ask compound questions, it's clear that the
22 witness has stated that he did see Run affecting arrests. Now in
23 regards to what happened after those arrests, Counsel can ask
24 questions about that, but the -- at least in the interpretation
25 I heard, Counsel's summary was asking him to confirm that he

1 never saw Run affecting arrests and that is clearly incorrect on
2 the testimony of this witness.

3 [10.12.29]

4 MR. KONG SAM ONN:

5 I don't really see the point of the objection by the Deputy
6 Co-Prosecutors through the interpretation that I heard. In fact
7 the witness just responded to my question regarding everyone's
8 fear of Run and he made his personal conclusion that Run might
9 arrest people to be taken away for refashioning and I put to him
10 a follow up question whether he witnessed that personally and he
11 said that he did not and I also have a second follow up question,
12 whether the fear that he referred to was merely his personal
13 conclusion and not from the actual scene of the arrest that he
14 made -- that he saw.

15 MR. PRESIDENT:

16 Mr. Witness, you do not need to respond to the last question as
17 <witness is not in a position to give an evaluation to counsel's
18 personal conclusion>.

19 MR. KONG SAM ONN:

20 Mr. President, what I seek was his personal response and not my
21 personal conclusion.

22 MR. PRESIDENT:

23 You just mentioned that you actually made your own conclusion in
24 your question and you should refer to the transcript if I am
25 mistaken and for that reason the witness is not in a position to

28

1 give an evaluation to your personal conclusion.

2 [10.14.23]

3 MR. KONG SAM ONN:

4 Maybe I spoke-- mistakenly said it, I referred to my personal
5 question to his witness.

6 MR. PRESIDENT:

7 How many -- how long do you need to conclude your questions?

8 MR. KONG SAM ONN:

9 It would not be long, Mr. President.

10 MR. PRESIDENT:

11 If it is only a few minutes you can proceed otherwise we need to
12 adjourn for a short break.

13 BY MR. KONG SAM ONN:

14 Q. Mr. Witness, I have another question for you, while you worked
15 in the ploughing group, were you assigned to work elsewhere or
16 were you promoted to any position within the group?

17 [10.15.33]

18 MR. SENG KUY:

19 A. Under the DK regime, my sole task was ploughing and I was not
20 assigned to do any other task or engage in any other role.

21 Q. Thank you. Yesterday you testified that the Khmer Rouge wanted
22 to abolish other ethnicities in your village or even throughout
23 the country. Do you recall the testimony that you made yesterday?

24 A. I said the Khmer Rouge wanted to kill the minorities because
25 throughout my observation the Cham people who were sent to live

1 mixed with the Khmer people, it's because they did not want to
2 have other minor ethnicities within the community. They <did not>
3 want any Cham people or <other ethnicities> to live in the
4 country. And as I testified yesterday, the Cham people were
5 <arrested and> sent to Au Trakuon pagoda <to be killed>.

6 Q. Thank you. When you said they, all the Khmer Rouge, that they
7 did not want to have other races in Cambodia, how did you know
8 that?

9 [10.17.48]

10 A. I say so because when Run arrested those Cham people they
11 said, "We will kill all the Cham people and will not spare
12 anyone." That's why I made my conclusion that they did not want
13 any other races to live in Cambodia. <These are the words that I
14 heard Run, the security chief, say when he arrested the Cham
15 people.>

16 Q. Thank you. Did you hear Run say something to that effect that
17 you just mentioned, and did you hear it personally that all Cham
18 people had to be killed?

19 A. Yes, I heard it personally when the arrest was being made at
20 the time.

21 Q. Thank you. You also told the Court about the position Run held
22 in your area. Since you referred to the policies of the
23 Democratic Kampuchea that they wanted to eliminate all Cham
24 people throughout the country, do you have any other evidence to
25 support your point that the Democratic Kampuchea wanted to kill

30

1 all the Cham peoples <or all ethnicities> throughout the country
2 besides statement you heard only from one cadre in your local
3 area?

4 [10.19.46]

5 MR. PRESIDENT:

6 Hong Kimsuon, you have the floor.

7 MR. HONG KIMSUON:

8 Thank you, Mr. President. This witness does not provide any
9 conclusion or evidence besides what he personally heard. <He
10 already said he heard the name Run saying that> and if you ask
11 him to provide any other evidence, he is not in a position to do
12 that.

13 MR. PRESIDENT:

14 Your objection is not appropriate, thus overruled as you do not
15 try to get clear response from your witness. Because yesterday,
16 Counsel Hong Kimsuon put a question of this kind to the witness
17 and did not expand it further and that leaves a gap for the
18 defence team to seek clarification from the witness and for that
19 reason the witness has to respond to this question. You put a
20 question to him regarding the killing of the Cham in his area but
21 in his response he talked about the elimination of the Cham
22 people throughout the country and that leads the opportunity for
23 the Defence to seek clarification from this witness and you
24 should have done that yesterday.

25 Mr. Witness, do you recall the question put to you, if not,

1 Counsel Kong Sam Onn, please repeat your last question to the
2 witness.

3 [10.21.50]

4 MR. SENG KUY:

5 Counsel, please repeat your question.

6 BY MR. KONG SAM ONN:

7 Q. Allow me to repeat my last question to you. You already
8 testified that the Khmer Rouge intended to kill other minor
9 ethnicities in Cambodia and in response to one of my questions
10 you said that Run, while he -- while the arrest was being
11 conducted, said that the Cham people, all the Cham people had to
12 be killed. And my question is in relation to your own knowledge,
13 how did you know that the Khmer Rouge had a policy to eliminate
14 all <ethnic minorities> throughout the country while you only
15 heard a statement made by a cadre in your local area.

16 [10.23.02]

17 MR. SENG KUY:

18 A. I said the Khmer Rouge wanted to eliminate the minor
19 ethnicities, namely the Cham people and the Cham race, because it
20 is my observation. There were Cham living in two villages in
21 Angkor Ban commune and under the Khmer Rouge regime I did not
22 know what the Khmer Rouge did to those Cham people, they were no
23 longer living in the villages and <I do not know whether> they
24 were sent elsewhere or were taken away elsewhere and killed,
25 <but> under the Khmer Rouge regime between 1975 to 1979, no more

1 Cham were living in Angkor Ban commune and that led me to a
2 personal conclusion that a plan was put in place for the
3 elimination of the Cham people.

4 MR. PRESIDENT:

5 Mr. Witness, as a witness you should not provide a response which
6 is a speculation; you are not in a position as an expert to make
7 such an assessment or conclusion. <An expert can analyse,
8 critically think about reasons and provide an insight and
9 advanced research and make an overall evaluation. So, you are
10 creating a problem.> Please refrain yourself from providing any
11 speculation<, perception and personal view> and you should only
12 provide response to the limit of your knowledge as we informed
13 you of your obligation at the beginning of your testimony. If you
14 know<, hear, see, encounter or experience> it, you say so, and if
15 you don't know it, say you don't know it and <we did> not <inform
16 you that you are obliged> to <randomly> speculate your response
17 <in relation to your personal view>.

18 [10.25.03]

19 BY MR. KONG SAM ONN:

20 Thank you, Mr. President, I have another question to put to the
21 witness.

22 Q. Mr. Witness, you said that you became a commune chief in 1997
23 and you attended the meeting held at the pagoda in 1981 or '82,
24 that is, at the Au Trakuon pagoda and at that time you were just
25 an ordinary villager. So please, tell the Court whether you held

1 any other position between <1982 and 1997, before> you became the
2 commune chief?

3 MR. SENG KUY:

4 A. Between 1982 <and> 1997, I would like to provide you the
5 following. In 1984, I worked in the Angkor Ban commune as a
6 member of <the Revolutionary People's> committee <during the
7 State of Cambodia regime> and I was in that position until 1997
8 when I was elected as a commune chief and I <have> remained in
9 that position <up to now>.

10 [10.26.48]

11 Q. And which political party do you belong to?

12 MR. PRESIDENT:

13 Mr. Witness, you do not need to respond to this question as in
14 this Court of law these kind of questions should not be asked.

15 MR. KONG SAM ONN:

16 Mr. President, I do not have any further questions for the
17 witness.

18 MR. PRESIDENT:

19 Thank you. The hearing today comes to an adjournment. We will
20 adjourn the hearing today and resume on Monday, the 14th
21 September 2015, commencing at 9 o'clock in the morning. And on
22 that day we will commence hearing testimony of witness 2-TCW-880,
23 and we also have a reserve witness on that day, that is,
24 2-TCW-883.

25 The hearing of the testimony of Mr. Seng Kuy, now concludes. And

34

1 Mr. Seng Kuy, the Chamber is grateful of your time and testimony
2 for the last two days. Your testimony may contribute to
3 ascertaining the truth in this case. Your presence is no longer
4 required and you are excused and you can return to wherever you
5 wish to go to. The Chamber wishes you good luck, good health and
6 all the best.

7 Court officer, in collaboration with WESU, please make
8 arrangement for Mr. Seng Kuy to return to his residence or
9 wherever he wishes to go to.

10 Security personnel you are instructed to take the two Accused
11 Nuon Chea and Khieu Samphan back to the detention facility <of
12 the ECCC> and have them return to attend the proceedings on
13 Monday 14 September 2015 before 9 o'clock in the morning.

14 The Court is now adjourned.

15 (Court adjourns at 1029H)

16

17

18

19

20

21

22

23

24

25