



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  
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Case File N° 002/19-09-2007-ECCC/TC

11 December 2015  
Trial Day 347

Before the Judges: NIL Nonn, Presiding  
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Jean-Marc LAVERGNE  
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YOU Ottara  
Martin KAROPKIN (Reserve)  
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I N D E X

Mr. UM Suonn (2-TCW-949)

Questioning by Ms. GUISSÉ resumes ..... page 3

Questioning by Judge FENZ ..... page 33

Ms. UNG Sam Ean (2-TCW-805)

Questioning by The President (NIL Nonn) ..... page 33

Questioning by Mr. SREA Rattanak ..... page 36

Questioning by Mr. DE WILDE D’ESTMAEL ..... page 43

Questioning by Mr. KOPPE ..... page 82

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SREA Rattanak	Khmer
Mr. UM Suonn (2-TCW-949)	Khmer
Ms. UNG Sam Ean (2-TCW-805)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remaining testimony of Um  
6 Suonn, and begins hearing testimony of another witness -- that  
7 is, 2-TCW-805. Yesterday the legal officer of the Trial Chamber  
8 informed the Parties that the witness who was originally  
9 scheduled for today's hearing is not available due to personal  
10 matters, and he is replaced by another witness -- that is,  
11 2-TCW-805.

12 Mr. Em Hoy, please report the attendance of the Parties and other  
13 individuals at today's proceedings.

14 [09.02.41]

15 THE GREFFIER:

16 Mr. President, for today's proceedings, all Parties to this case  
17 are present except Counsel Kong Sam Onn, who is absent for  
18 personal reason. Mr. Nuon Chea is present in the holding cell  
19 downstairs. He has waived his right to be present in the  
20 courtroom. The waiver has been delivered to the greffier. The  
21 witness who is to conclude his testimony today, Um Suonn, is  
22 present in the courtroom. We also have a reserve witness today,  
23 namely 2-TCW-805, who confirms that to her best knowledge, she's  
24 not related by blood or by law to any of the two Accused, that is  
25 Nuon Chea and Khieu Samphan, or to any of the civil parties

2

1 admitted in this case. The witness took an oath this morning.

2 Thank you.

3 [09.03.47]

4 MR. PRESIDENT:

5 Thank you, Mr. Em Hoy. The Chamber now decides on the request by  
6 Nuon Chea.

7 The Chamber has received a waiver from Nuon Chea dated 11  
8 December 2015, which states that due to his health, headache,  
9 back pain, he cannot sit or concentrate for long. And in order to  
10 effectively participate in future hearings, he requests to waive  
11 his right to participate in and be present at the 11 December  
12 2015 hearing. Having seen the medical report of Nuon Chea by the  
13 duty doctor for the Accused at the ECCC dated 11 December 2015,  
14 which notes that Nuon Chea has back pain, headache and dizziness  
15 when he moves, and recommends that the Chamber grant him his  
16 request so that he can follow the proceedings remotely from the  
17 holding cell downstairs. Based on the above information and  
18 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber  
19 grants Nuon Chea his request to follow today's proceedings  
20 remotely from the holding cell downstairs via audio-visual means.  
21 The Chamber instructs the AV unit personnel to link the  
22 proceedings to the room downstairs so that Nuon Chea can follow.  
23 This applies to the whole day. And I'd like now to hand the floor  
24 to the defence team for Khieu Samphan to continue putting further  
25 questions to the witness. You may proceed, Counsel.

1 [09.05.35]

2 QUESTIONING BY MS. GUISSÉ RESUMES:

3 Thank you, Mr. President. Good morning. And good morning to you,

4 Mr. Um Suonn. I am resuming my questioning. As I told you on

5 Wednesday, may I request you to pay particular attention to the

6 questions I will put to you, to concentrate and answer my

7 questions precisely?

8 When we broke up on Wednesday, you said that in addition to your

9 work during the day, you were also responsible for guarding the

10 road. And you said that in the evening, members of the

11 cooperative were not authorized to move about on the worksite. My

12 question to you is, <generally,> when did your <shift> to guard

13 the road start?

14 [09.06.36]

15 MR. UM SUONN:

16 A. I was assigned to be on guard duty starting from 7 o'clock.

17 Q. And you started the patrols at 7 p.m. And when did such

18 patrols end?

19 A. It ended at 9 o'clock.

20 Q. At 9 p.m. So you patrolled from 7 to 9 p.m. and for the rest

21 of the night, there were no patrols. Is that what I should take

22 from your testimony?

23 A. No. <No one> was <> on guard duty anymore after that hour

24 because we <already took turn to stand guard>.

25 [09.07.51]

4

1 Q. Should I take it then that when you were carrying out those  
2 patrols, it was always between 7 p.m. and 9 p.m., and never  
3 thereafter?

4 A. No. I was on guard duty only between 7.00 to 9.00.

5 Q. And your friend Sean Song, was he also one of the villagers  
6 who carried out those guard patrols?

7 A. No. Sean Song was not assigned to be on guard duty. I was  
8 assigned to stand guard, but Sean Song had a different  
9 assignment. He was assigned to cut "kantreang khet" <, Siam weed>  
10 to make fertilizer. So we had different assignments.

11 [09.09.06]

12 Q. Again, Mr. Witness, may I ask you to answer my questions as  
13 precisely as possible. This is my last question in this line of  
14 questioning. And the guard duty from 7 p.m. to 9 p.m., was that  
15 something you did every day?

16 A. Yes, I did it every day.

17 Q. I would like us now to talk about the infamous day on which  
18 you said you witnessed executions at the Khsach pagoda. I  
19 remember that you did not recall the exact date. But do you  
20 remember in what period of the year that was? Was it during the  
21 rainy season, during the dry season? Do you have any timeframe  
22 that you can remember?

23 A. At that time, the rainy season started but the rain did not <>  
24 fall <heavily yet>.

25 Q. Still with regard to the timeframe, do you remember -- after

5

1 the day on which those executions were carried out -- how long  
2 after <you say you saw> the executions did you continue working  
3 within the unit?

4 A. I worked in the same-- I continued to work in the same unit,  
5 that is, I returned to work at the base within the same unit.

6 [09.11.32]

7 Q. And we agree that you worked in that unit up until when the  
8 Vietnamese arrived?

9 A. Yes, I was in the same unit until 1979.

10 Q. Can you give a rough estimate of how long after those events  
11 the Vietnamese <arrived>?

12 A. I cannot recall the passage of time in between.

13 Q. Let me try to refresh your memory <in another way>. Was it  
14 <rather> several months later that the Vietnamese arrived? Was it  
15 several weeks afterwards? Without knowing exactly the timeframe,  
16 can you tell us whether it was <a> short <period after> or <a>  
17 long <period after>?

18 [09.13.06]

19 A. It was about a fortnight or month after the execution, the  
20 Vietnamese arrived.

21 Q. So you would situate that event <towards> late 1978, <then?>

22 If we base ourselves on the principle that the Vietnamese arrived  
23 in early January 1979.

24 A. Yes. It was probably right. It happened in late 1978.

25 Q. I would like us to revisit the issue of your time schedule on



6

1 the day you said you witnessed executions next to the pagoda. You  
2 explained on Wednesday between 15.47 and 15.52 what your usual  
3 routine was. I would like you to tell the Chamber whether you  
4 remember when you returned to your cooperative that day. And if  
5 you do recall what you did on that day, <work-wise.>

6 A. On the day that I witnessed the event, the night was not  
7 completely dark. In late afternoon, actually that is after the  
8 sun fully set, I heard screaming and I was wondering what was  
9 happening. So I decided to investigate. I decided to go there and  
10 discretely looked at what happened. And that's when I witnessed  
11 the event unfolded.

12 [09.15.43]

13 Q. <Excuse me.> We will return more precisely to what you said  
14 you saw. But my question was different. <I wanted to know,> even  
15 before you went <- as you put it --> to <go> see what had  
16 happened, what was your schedule <for> that day? At what time did  
17 you return to the cooperative on that day? Since you said that  
18 your job was to gather manure and to go fishing, and that you  
19 would then return to the cooperative. The routine you explained  
20 was that you first went back home <before going> to eat. So my  
21 question is, <on that day,> what was your schedule? Do you  
22 remember at what time you returned to the cooperative? And do you  
23 remember first going back to your home?

24 A. I returned from fishing at around 5 p.m. I ate my gruel and I  
25 rested at home.

1 Q. You rested up to what time?

2 A. I rested till about 6 p.m. Then I heard screaming, and that  
3 was almost 7 p.m. when I heard the screaming. So I decided to go  
4 and discretely take a look.

5 [09.17.43]

6 Q. When you gave your account to the Co-Prosecutors earlier, you  
7 said that you were accompanied by Sean Song. At what time did you  
8 meet him on that day? Since you said that you witnessed the  
9 executions with him, at what time did you meet him and where  
10 exactly?

11 A. He came to visit me at my house and we both heard the  
12 screaming. That's the reason we decided to go and have a look  
13 together.

14 Q. Very well. On that day, did you go to the pagoda once or twice  
15 on that day?

16 A. I went to the pagoda twice, that is during the night and next  
17 morning after the execution took place. So I went to the pagoda  
18 twice.

19 Q. If you say that that was the following day, that means that it  
20 was on another day. So I understand from your answer that on the  
21 day of the executions, you went to the pagoda only once; is that  
22 correct?

23 A. Yes, I went there once, that is, on the night of the  
24 execution.

25 Q. And if I remember your statement correctly, you said that it

1 was on the same day that those persons who were executed were  
2 arrested; is that correct? They were arrested that same  
3 afternoon; is that correct?

4 [09.20.12]

5 A. They were arrested during the daytime and they were executed  
6 that night.

7 Q. Is it therefore accurate to say that before arriving at the  
8 pagoda that evening at about 7 p.m., you had not seen the persons  
9 who had been arrested?

10 A. No, I did not see them.

11 Q. And is it also correct to say that as you stated on Wednesday  
12 that when you returned to the vicinity of the pagoda the  
13 following morning to see what had happened, you saw that <there  
14 was nobody in> the library which you said those people were  
15 detained in; is that correct?

16 A. Yes. For the following morning, I went again to the pagoda, <I  
17 saw the door was open> and the library hall was emptied. It meant  
18 all those people had been executed.

19 [09.21.48]

20 Q. Is it correct to say that you would situate the scene of the  
21 killings outside the pagoda and not within the premises of the  
22 pagoda? Did I properly understand your testimony on that point?

23 A. I was at the outside compound of the pagoda. I was next to the  
24 fence of the pagoda.

25 Q. But the scene you saw at the time of the executions, was that

1 within the premises of the pagoda or outside the pagoda?

2 A. The execution site was next to the fence of the pagoda. <We  
3 were one> fence <away from the scene>.

4 Q. So if I understand you correctly, it was not through the  
5 chinks in the fence that you witnessed the executions?

6 A. I discretely looked at what happened. <It was an open ground>  
7 and I could clearly see through the fence.

8 Q. There is something I don't quite understand, what you could  
9 see through the fence, since you said that the executions were  
10 carried out outside of the premises, that is outside of the  
11 fence. So what were you looking at through the fence in that  
12 case?

13 [09.24.24]

14 A. What happened was in the open <ground> and I could see it  
15 clearly.

16 Q. My question remains the same. What were you looking at through  
17 the fence? Since in answer to a question put to you by the  
18 Co-Prosecutor on Wednesday saying that the fence was in wood, and  
19 it was therefore possible for you to see what was happening  
20 within the premises of the pagoda, inside the pagoda. So what  
21 were you looking at as you looked through the fence into the  
22 pagoda?

23 A. The fence was not made of concrete; it was made of wood  
24 <poles>. And I could see through the fence the inside or the  
25 inner part of the pagoda compound.

10

1 Q. And at that time, you said that it was already sunset. At 7  
2 p.m., the night had fallen, even though, <if I am not mistaken,>  
3 there were lamps <at> the scene of the executions; is that  
4 correct?

5 [09.25.57]

6 A. At that time, they <lighted up> the scene with a gas lantern  
7 and I could see through it. However, the <radiance> of the light  
8 did not reach the location where I was hiding and looking.

9 Q. And can you tell the Chamber who were the persons you  
10 recognized on that day among those who were executed?

11 A. I only knew Ta Khut, Yeay Ma, and Chantha. As for the rest, I  
12 did not know them.

13 Q. Had you seen them personally on that day?

14 A. Yes, I did. I saw them.

15 Q. And when you saw them, was it through the fence or on the very  
16 scene of the executions?

17 A. I saw them through the fence because they were under the light  
18 and I was in the dark, so I could see them <clearly>.

19 Q. And did you witness their executions?

20 A. Yes, I witnessed the execution with my own eyes.

21 Q. So you witnessed Chantha's execution, is that what you're  
22 saying?

23 A. Yes, I did.

24 [09.28.44]

25 Q. Did you also witness the executions of Ta Khut and Yeay Ma? Do

11

1 you remember which of the three persons was the first to be  
2 executed?

3 A. Ta Khut was executed first and next was Yeay Ma.

4 Q. And at that point in time, you confirmed that Sean Song was  
5 also witnessing the scene.

6 A. Sean Song was there watching the scene together with me. We  
7 were so frightened.

8 Q. So I have two concerns here, Witness, with your statement, two  
9 issues. Because when you were interviewed by the OCIJ, the  
10 question of whether or not you had seen Chantha's execution, and  
11 you said no. So I'd like to refer all of the Parties to the audio  
12 recording D166/20R between minute 32 and 55 seconds and minute 33  
13 and 16 seconds. Unfortunately, we only have a Khmer transcription  
14 of this recording <for the time being>, and this transcription is  
15 only partial. And it's document E3/7778.1. And let me read out  
16 the question that was put to you.

17 "Question: Did you see yourself Chantha being executed?"

18 And your answer was the following: "No, I did not see that  
19 myself". So my question is and you -- I'm sure you understand  
20 Witness -- is what is the truth? Did you see, yes or no,  
21 Chantha's execution?

22 [09.31.51]

23 A. During the time of the execution, <one> person <after another>  
24 was brought out to the execution site and executed. <They were  
25 not executed at the same time.>

1 Q. You did not answer my question, Witness. My question was,  
2 between the version you're providing today to the Chamber and the  
3 version you provided to the OCIJ, which one is the true story?

4 A. I'm not sure which one I should answer because I also have  
5 poor memory with this. I witnessed the execution on that day. It  
6 really happened.

7 Q. So then can you explain why when you were questioned by the  
8 OCIJ you said the contrary?

9 [09.33.14]

10 A. At that time, all of them were taken away to the execution  
11 site and were killed at that place. <And it was also dark.>

12 Q. That was not my question. I'm sorry to interrupt you,  
13 <Witness>. My question was: why, when the OCIJ investigators  
14 asked you that very same question, why did you answer that you  
15 did not witness Chantha's execution?

16 A. I don't know how to answer to this because I have some poor  
17 memory. It was dark at that time and I was also so scared. So I  
18 could not remember everything when the incident happened at that  
19 time.

20 Q. You have just answered me that you don't remember and that it  
21 was dark, and that you cannot remember everything. However, a few  
22 minutes ago, when I asked you if you had seen Chantha and her  
23 grandparents being executed, you explained that you did see them  
24 because there were lanterns that allowed you to see what was  
25 happening. So can you somehow clarify this difference?

13

1 [09.35.09]

2 A. I was too scared. It was so horrific scene. So I was not clear  
3 who was who at that time. I could not identify clearly who were  
4 the persons at that time because of the scary situation.

5 Q. So what you're telling the Chamber now is that you are no  
6 longer sure that Chantha and her grandparents had been executed  
7 that day, is that what you're telling us <now>?

8 A. You can say it like that.

9 Q. Another point of clarification I need. You said that you went  
10 to the vicinity of the pagoda at around 7 o'clock because you  
11 heard cries. And when you were answering a question that was put  
12 to you by the Co-Prosecutor on Wednesday, you said that you  
13 stayed there until the end of the executions, which you said  
14 ended at 10 p.m. So can you confirm this?

15 MR. PRESIDENT:

16 Witness, please hold on. And the floor is to the Deputy  
17 Co-Prosecutor.

18 [09.37.17]

19 MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President, and good morning. I'm not sure that I  
21 heard the same thing as Counsel Guisse on Wednesday because I  
22 <clearly> asked the witness the question if he stayed until the  
23 end of the executions or if the executions continued after he  
24 left with Sean Song. So he said that they indeed <left before  
25 they had finished>. So maybe you should refer to precise



14

1 <excerpts and specific> times. Maybe other things were said, but  
2 in any case, he said that as well. So I think we have to place  
3 things back in their context. <Thank you.>

4 [09.37.51]

5 BY MS. GUISSÉ:

6 No problem, Mr. President. I will be delighted to provide <the  
7 Co-Prosecutor with> the appropriate references. So it was  
8 Wednesday, 9 December, at 2.14.35 in the afternoon. And the  
9 question that was put to the witness by the Co-Prosecutor was the  
10 following: "Can you estimate with a bit of precision, I'm sure  
11 you did not have a watch back then, but can you give us an idea  
12 of how long you remained hiding, watching these executions? Do  
13 you have an idea how much time went by?"

14 And your answer, Witness, was the following: "Of course back then  
15 I did not have a watch. So therefore I can only give you an  
16 estimate of what time it was. It was dark but we could see each  
17 other. We could recognize each other. And the executions lasted  
18 until 10 o'clock in the evening. And it was dark. And it is then  
19 that I decided to flee back home. That is the truth and I do not  
20 know what <else> I can tell you."

21 Another reference, that was at 2.26 <p.m.>. The question that was  
22 put to you by the Co-Prosecutor is the following: "So, since you  
23 were afraid and since you were trembling, did you find the  
24 strength to watch all of the executions when you were hiding? Or  
25 did you rather look away so that you wouldn't have to witness

15

1 this horrible event?"

2 And your answer, <at 2:26 p.m.> was: "I stayed there until the  
3 end of the event. And then I <got down and> crawled. And then I  
4 escaped to the cooperative. I was trembling. And that night, I  
5 wasn't able to sleep."

6 So I think that that addresses the Co-Prosecutor's observation.  
7 So my question therefore is the same.

8 Q. Witness, you said to the Co-Prosecutor that you remained there  
9 until the end of the executions, which you said ended at 10 p.m.

10 So can you confirm this?

11 [09.40.19]

12 MR. UM SUONN:

13 A. Yes, I was so scared.

14 MR. PRESIDENT:

15 Witness, please listen to the question carefully. I instructed  
16 from the beginning that you need to answer the question clearly.

17 BY MS. GUISSÉ:

18 So you confirm this, you confirm that you remained there until 10  
19 p.m.?

20 MR. UM SUONN:

21 A. Yes.

22 [09.41.20]

23 Q. However, when-- well, let's start trying to assess how much  
24 time went by. So if you arrived at <around> 7 p.m. and if you  
25 stayed there until 10 p.m., do we agree then that you stayed

16

1 there for several hours? <Seven p.m.,> I know it's not easy to  
2 really know exactly what time it was, <7 p.m., 8 p.m., 9 p.m., 10  
3 p.m.> -- so therefore you stayed there for at least three hours.

4 Do we agree on that?

5 A. Yes, I agree.

6 Q. And here again, this is not what you said when you were  
7 interviewed by the OCIJ. Because when you answered question 5 of  
8 document E3/7778, you said that you remained there for about one  
9 hour. So what's the true story?

10 A. At that time, I was so terrified. I did not have time to think  
11 about what time it was because it was a so scary situation. And I  
12 also could not recall much.

13 Q. Yes, but Witness, since the situation was so frightening, we  
14 may ask why did you stay there for so long? If you were so  
15 afraid, why didn't you leave earlier? You said that you stayed  
16 there from 7.00 to 10.00, that is to say, for three hours you  
17 witnessed a horrible scene. But <despite everything>, you stayed  
18 there. Isn't that a bit bizarre? Can you somehow clarify this?

19 [09.43.46]

20 A. I did witness the event. And after there was no more crying of  
21 people, so I returned back to my worksite.

22 MR. PRESIDENT:

23 Mr. Witness, please listen to the question carefully and give the  
24 direct clear answers to the questions. So please listen to the  
25 question carefully. And if you don't understand them, please you

17

1 can ask the lawyers to clarify the question again. Defence  
2 counsel, please repeat your question.

3 BY MS. GUISSÉ:

4 Witness, why did you stay there for so long, for three hours,  
5 according to what you said, if you were so afraid?

6 [09.44.58]

7 MR. UM SUONN:

8 A. I was too frightened. I did not know what time it was at that  
9 time. And because I was too scared, I did not have time to think  
10 about what time it was.

11 MR. PRESIDENT:

12 Mr. Witness, the question asked you -- because you were so  
13 scared, why you spend too long time to witness the event? Why did  
14 not return home quickly?

15 MR. UM SUONN:

16 A. Because it was so scary situation I also returned quickly.

17 BY MS. GUISSÉ:

18 So my question is: did you go home quickly or did you remain on  
19 site there for three hours, <after all>?

20 MR. UM SUONN:

21 A. I did not have time to think about the time. After I stopped  
22 hearing the screaming of people, then I returned home.

23 [09.46.30]

24 Q. Another point of clarification, Witness, earlier, and you  
25 confirmed this a few minutes ago as well, you said that you also

18

1 had to stand guard and you explained to the Chamber that you  
2 would stand guard from 7 to 9 p.m., and that this happened every  
3 day. So my question is the following: does this mean that that  
4 day you deliberately refused or, <in any case, were knowingly  
5 absent from the guard duty you had been entrusted with at that  
6 time>?

7 A. Yes. At that time, I did not guard. On the night of the  
8 execution, I was not on duty guard. I came back to the worksite.

9 Q. So my question is: why, when I asked you earlier, would you  
10 stand guard every day, <did> you answer yes?

11 A. At that time, we took turn to <stand> guard <>. <That's why  
12 there was a time gap.>

13 Q. This does not answer my question. Why, when I asked you if you  
14 stood guard from 7.00 to 9.00 every evening, why did you answer  
15 yes?

16 [09.48.54]

17 A. There was an interval time between guarding. So there was --  
18 we were taking turn to guard, and I could not remember well about  
19 this.

20 Q. Wednesday at around 1.59 in the afternoon, you said that you  
21 heard that Chantha had been sent for re-education. That's  
22 earlier. And can you tell us who provided you with that  
23 information?

24 A. I only heard that the person was taken away and I did not know  
25 more than this. I also saw that the person was sent to Khsach

1 pagoda.

2 Q. When you say that you saw that this person had been sent to  
3 the pagoda, what are you speaking about? And when did you see  
4 Chantha being taken away to the pagoda?

5 A. I saw only the person was taken away into the pagoda. That's  
6 only what I witnessed.

7 Q. So my question remains the same. When therefore did you see  
8 Chantha being taken away to the pagoda?

9 [09.51.14]

10 A. It was at night time.

11 Q. During the night when exactly? You told us that when you went  
12 home, you went to the cooperative and you had your meal, and that  
13 at 7 o'clock, you went to the pagoda where the people had already  
14 arrived. So can you tell us when you saw Chantha being taken away  
15 to the pagoda?

16 A. At that time, I did not think about time, what time it was  
17 exactly. <But it was at night time.>

18 Q. I'm not asking you for the exact time, <Witness>. I'm asking  
19 you when approximately? Can you situate when this happened in  
20 relation to your schedule? Let's start first, where did you see  
21 her first? From which place did you see her being taken away to  
22 the pagoda?

23 A. When I saw her being taken away, it was at night time, but it  
24 was not so dark yet. And I had no idea where she would be taken  
25 to. Only when I saw at the execution site that I had a knowledge

1 that the person was taken there.

2 [09.53.23]

3 Q. And when you saw her, was Sean Song <present>?

4 A. At that point of time, Sean Song was not with me.

5 Q. Was she all by herself when she was taken away?

6 A. No. Chantha was taken away alone.

7 Q. And who took her away, according to you?

8 A. I had no idea. I did not know those who walked her. <It was  
9 kind of dark at the time.> I knew only that the person who <was>  
10 being taken away was Chantha but I did not know who the people  
11 who took her <were, or how many of them>.

12 Q. So I understand from your answer that these people were not  
13 the militiamen you described to my colleague from the civil  
14 parties on Wednesday. So <they were not> the militiamen who were  
15 stationed at the pagoda?

16 A. I did not recognize them. I did not know their name.

17 [09.55.45]

18 Q. Now I turn again to the moment when you say you saw the  
19 executions. And when you answered one of my questions earlier,  
20 you told me that you did not recognize other people aside from  
21 Chantha and her grandparents, even if it is possible that your  
22 testimony <has evolved> in that regard. So therefore you did not  
23 know the other people. I am therefore going to ask you a question  
24 relating to an answer that you provided on Wednesday when you  
25 were speaking about the fact that the gall bladders of the

21

1 victims <were being> removed. And you said in that regard, this  
2 was a bit before <2.38> <p.m.> on Wednesday's hearing, you said  
3 and I quote you: "I do not know how many people were  
4 disembowelled and how many people had their gall bladders  
5 removed. <Actually>, the gall bladders of the women who were not  
6 married were taken out." <End of quote.>

7 So my first question: did you personally witness such things  
8 happening?

9 [09.57.24]

10 A. I did not see it. But it was after I returned back to the  
11 execution site in the morning that I saw the <gallbladders  
12 hanging on coconut palm tree leaves>. But I did not <actually  
13 witness gallbladders being removed>.

14 Q. So therefore why did you say that the gall bladders were  
15 apparently removed, specifically the gall bladders of the  
16 unmarried women? Where does that assertion come from?

17 A. There were children and there were adults. So it was not only  
18 the adults but also include children.

19 Q. Please, please, Witness. Please <make an effort and> listen  
20 carefully to the questions I am asking you. My question was very  
21 precise. What makes you say -- because you said that to the  
22 Chamber and I just quoted what you said to the Chamber -- what  
23 made you say, since you did not witness the scene and since on  
24 top of that you did not know the people who were executed aside  
25 from Chantha, what made you say that the gall bladders of the



1 unmarried women were removed? <What pushed you to make this  
2 assertion?>

3 A. I saw the gallbladders <hanging on coconut palm tree leaves>.  
4 So I came to my conclusion that <they must> belong to those <>  
5 people <who were executed>.

6 Q. So here you're telling us that you drew your own conclusions.  
7 But this conclusion of gall bladders that apparently were the  
8 gall bladders of unmarried women is also <an assumption> related  
9 to the other <assumption?>

10 [10.00.19]

11 A. I did not witness the scene of removing the gallbladders, but  
12 I saw only the gallbladders <were hanging> on the wall.

13 Q. I want you to make <one> last confirmation to be sure. Did you  
14 witness Chantha's execution with your own eyes? And did you see  
15 her gall bladder being removed?

16 A. No, I did not see them disembowel Chantha. I did not know when  
17 that happened. However, the next morning, I saw gall bladders  
18 hanging against the wall. And I did not know when those gall  
19 bladders were <hanged there>.

20 Q. And when you left the site, did you go directly back to your  
21 home?

22 A. Yes, I returned to my home.

23 [10.02.03]

24 Q. And did Sean Song also go back to his home?

25 A. At that time, the two of us were running back home.

1 Q. So you left the site at the same time and went back to your  
2 respective homes, where the mobile unit was stationed; is that  
3 correct?

4 A. We returned to our worksite at the cooperative.

5 Q. I would like to revisit what you said a few minutes ago  
6 regarding the fact that you had seen Chantha being led away with  
7 your own eyes. This is what you said during the hearing of  
8 Wednesday the 9th of December shortly before 13.59.37. "I heard  
9 the villagers say that Chantha was being led away for  
10 re-education. In fact, after that, Chantha disappeared. A few  
11 days later, <we> realized that Chantha had disappeared." <End of  
12 quote.> So in light of your answer of Wednesday, we understand  
13 that not only did you not witness the arrest of Chantha, but it  
14 was only a few days later that you realized that Chantha had  
15 disappeared, whereas today, you've told the Chamber that you  
16 witnessed Chantha's arrest and saw her being led to the pagoda.  
17 My question to you therefore is as follows: what is the correct  
18 version? Was it a few days later that you realized that Chantha  
19 had disappeared? <Or did> you know, on that <very> day, that she  
20 had been executed at the pagoda? What is the correct version?

21 [10.05.00]

22 A. On the night of the execution, I saw what happened. And for  
23 that reason, I have told the Court what happened that night.

24 Q. My question is somewhat more specific, Witness. Did you see  
25 Chantha on that day, yes or no? Or it was only subsequently that

1 you realized that she had disappeared?

2 A. I cannot recall the detail since I was so frightened when I  
3 witnessed the execution. I heard screaming. However, I did not  
4 count how many there were. <They were taken to be executed one  
5 after another.>

6 Q. That was not my question, Witness. Let me repeat it so that  
7 you can understand it clearly. My question is whether you saw  
8 Chantha being led to that pagoda and then subsequently being  
9 executed on that day, or as you said during the hearing of the  
10 9th of December, you heard that she had been sent for  
11 re-education and then you realized subsequently that she had  
12 disappeared. My question is: which is the correct version?

13 [10.07.01]

14 A. I heard that Chantha was taken away and I <knew about it.  
15 Later on,> I saw a truck full of people were brought into the  
16 library hall and later on they were executed. And they were  
17 brought in at different times.

18 MR. PRESIDENT:

19 Witness, you are reminded once again that you should respond to  
20 the question precisely. The question being put to you by the  
21 counsel is about Chantha only. And you provided two versions, and  
22 the counsel asked which version is the proper one. And you should  
23 limit your response to that.

24 [10.08.23]

25 BY MS. GUISSÉ:

25

1 So let me repeat my question to you for the last time so that you  
2 should understand it clearly: Witness, did you see Chantha being  
3 arrested and executed on that day? Or as you said on Wednesday,  
4 <did> you hear villagers <talking> of her arrest? <Did you hear  
5 and later on realize> that she had disappeared? What is the  
6 correct version?

7 MR. UM SUONN:

8 A. My apology. I think I got confused between the days.

9 Q. You are confused about the dates. The question doesn't have to  
10 do with dates. My question is whether, yes or no, you witnessed  
11 the arrest and execution of Chantha? And I'm putting this  
12 question to you for the last time, regardless of the date.  
13 Did you witness her arrest and execution, yes or no? Or <did you  
14 hear> about the arrest from villagers and subsequently realize  
15 that she had disappeared? Without referring to dates, can you  
16 answer this question precisely, what is the correct version?

17 [10.10.28]

18 A. I get confused about the dates of the arrest.

19 Q. One more time before the break, Mr. President, can the witness  
20 give us the right version of the two versions?

21 A. I forget it all.

22 MS. GUISSÉ:

23 I will end this line of questioning here, Mr. President. This  
24 would be the right time for us to take the break. <It's fine by  
25 me>.

1 MR. PRESIDENT:

2 Thank you, Counsel. And thank you, Witness. The hearing of your  
3 testimony as a witness is now concluded. Your testimony may  
4 contribute to ascertaining the truth in this case. And you are  
5 excused and may return to wherever you wish to. The Chamber  
6 wishes you all the best.

7 [10.12.13]

8 MS. GUISSÉ:

9 I believe that what I said was not properly understood <in  
10 translation>. I didn't say that I had ended my questions. I just  
11 said that I had ended the line of questioning and I hope to  
12 continue after the break. I am not done yet.

13 MR. PRESIDENT:

14 I've heard that you already concluded your questions. However, if  
15 you just ended your line of questions, then that is a different  
16 matter. The time is now convenient for a short break. We take a  
17 break now and resume at 10.30. Court officer please assist the  
18 witness during the break time at the waiting room reserved for  
19 witnesses and civil parties, and invite him back into the  
20 courtroom at 10.30. The Court is now in recess.

21 (Court recesses from 1013H to 1031H)

22 MR. PRESIDENT:

23 Please be seated. The Court is back in session and the floor once  
24 again given to the International Co-Lawyer for Mr. Khieu Samphan  
25 to resume her questioning. And I would like to remind the counsel

1 that your questions should be simple and direct since they are  
2 intended to ask the witness, <who is> not <> well educated.  
3 <Otherwise, you will not finish your questions in time>.

4 BY MS. GUISSÉ:

5 Thank you Mr. President. I'll make sure that I put questions that  
6 are precise as possible.

7 Q. Witness, earlier you said that that day, that is, the day when  
8 you saw the executions, it is Sean Song who met you at your home  
9 and then you left together. So did I understand your testimony  
10 properly?

11 MR. UM SUONN:

12 A. Yes, that is correct.

13 Q. And on that day, before you went to the pagoda, did you plan  
14 to go anywhere special?

15 A. I did not plan to go anywhere. <As soon as I heard the scream,  
16 I went secretly to have a look.>

17 Q. So you did not request any kind of permission to go visit your  
18 family on that day?

19 A. No, I did not <seek permission> to visit my family.

20 [10.34.58]

21 Q. I am putting this question to you, Witness, because Sean Song  
22 testified before this Chamber and at the hearing of 28th October  
23 2015, that is document E1/358.1 at 1.44.31 in the afternoon, he  
24 said that apparently you made a request to go see your family and  
25 he explained that on that day he had plans to go <see> his family

1 -- <to> visit his uncles and aunts in order to <get> a chicken.

2 And that you yourself -- and the question that was put to him was  
3 the following, "For everything to be clear and in order for me to  
4 be sure that I understood well, your friend, and he is speaking  
5 about you then, also made the same request to go visit his family  
6 that evening, is that true?" And his answer was the following,  
7 "Yes, that's true." <End of quote.>

8 So does this refresh your memory or can you confirm that you did  
9 not make any request to go see your family that day?

10 [10.36.19]

11 A. I may have forgotten at that point. I could not remember it.

12 Q. When you answered a question from my colleague of the civil  
13 parties on Wednesday, you said that the militia unit and the  
14 military unit that was stationed at the Khsach pagoda had been  
15 stationed there since the beginning of the regime; you spoke  
16 about this between 3.05 and 3.26 in the afternoon. And at the  
17 hearing of 28th October, it's the same document, and this was at  
18 10.29 in the morning, Sean Song said that there were no soldiers  
19 who were stationed at the pagoda. So can you tell us if you are  
20 sure that there were soldiers who had been stationed at the  
21 pagoda <before this period and after> 1975? Because this is not  
22 what Sean Song said.

23 A. It is true as what Sean Song said that there were no soldiers  
24 but militiamen within the pagoda.

25 Q. I believe I understood that you were speaking about a military

1 unit, not about a unit of militiamen. You made a distinction  
2 between a military unit and a militia unit. So today <are you>  
3 telling us that there were militiamen who were stationed at the  
4 pagoda?

5 A. <Only> militiamen <were monitoring at the place>.

6 Q. So therefore you contradict what you said on Wednesday, that  
7 is to say that apparently there were no military units that were  
8 stationed at the pagoda. So you can confirm this?

9 A. <I saw> military unit and militiamen <there -- they were  
10 executioners there>. <I do not know who were from military unit,  
11 who were militiamen.>

12 Q. Fine. So therefore when you say that Sean Song was right,  
13 well, Sean Song said that there were no military units stationed  
14 at the pagoda, so he cannot be right in that case?

15 A. I agree to what Sean Song said.

16 [10.40.08]

17 Q. Now let me move on to another point. You said, or in any case  
18 that's what I understood and please tell me if you stand by what  
19 I'm going to say, you said Chantha and her grandparents  
20 apparently were executed at the Khsach pagoda. So do you stand by  
21 that testimony?

22 [10.40.46]

23 A. I told the Court about this matter once already, so what else  
24 can I tell you? I do not know what else can I respond to your  
25 question.



1 Q. Well, therefore I will consider that your answer is yes. It  
2 appears to me that this was read out to you by the Co-Prosecutors  
3 but I want to make sure that I get your answer right. A witness,  
4 this is 2-TCW-846, in a statement, a written statement, E3/7685,  
5 at French ERN 00333930; at English ERN 00275396; and at Khmer ERN  
6 00221617. In this statement, the witness said that Ta Khut and  
7 Yeay Hay, that is to say the grandparents of Chantha, were  
8 apparently executed one day before 7 January 1979, that's before  
9 the Vietnamese liberation, and <he> said that the execution did  
10 not take place at the Khsach pagoda but that it took place at  
11 Damban Andong Nourn. <I'm sorry for the pronunciation, I hope the  
12 interpreters were able to see the right name, written down.> So  
13 this witness--

14 MR. PRESIDENT:

15 Please specify or pronounce clearly the name of the location <>  
16 since the interpreter is not able to get that name.

17 MS. GUISSÉ:

18 Well, for the Khmer <booth>, <I will re-state> the ERN of the  
19 statement <that I've just mentioned, statement> E3/7685; the  
20 Khmer ERN is 00221617. It's the last page. And the French ERN --  
21 or in French it's spelled out: D-A-M-B-A-N A-N-D-O-N-G, and then  
22 further N-O-U-R-N, <Damban> Andong Rourn (phonetic). So I hope  
23 that the Khmer booth has been able to find the right spelling in  
24 Khmer.

25 Q. So let me put the question again to the witness. So what is

31

1 your reaction in relation to this statement, that is to say the  
2 statement of the witness who says that the execution of Chantha's  
3 grandparents took place not at Khsach pagoda but at Damban Andong  
4 Nourn and the day before the arrival of the Vietnamese troops?

5 [10.45.12]

6 BY MS. GUISSÉ:

7 Q. I don't know if the question was translated.

8 MR. UM SUONN:

9 A. In fact, I have never known the place called Damban Andong  
10 Nourn that you said it was the killing site of those people.

11 [10.45.45]

12 Q. I'm putting this question to you witness because Sean Song,  
13 when he was heard in this courtroom on 28 October 2015, <he>  
14 never said that Chantha's grandparents were executed at the same  
15 time as she was. So <on the day> when you say that you saw them  
16 being executed. <He was confronted with the same statement, and>  
17 he says the following, this was at 1.37.07 <in the afternoon>.  
18 And he is being asked about Chantha's grandparents and the  
19 question that was put to him was the following, "What happened to  
20 her grandparents?"

21 And he answers, "I do not know."

22 And the following questions, "Were her grandparents called Ta  
23 Khut and Yeay Hay?"

24 Answer, "Yes, that's true."

25 Question, "There is a witness who states, and this <is> document

1 E3/7685, that Chantha's grandparents were executed one day before  
2 the arrival of the Vietnamese, that is to say <before> 7 January  
3 1979. Did you ever hear that yourself?"

4 And Sean Song's answer therefore is the following, "Yes, I heard  
5 other people speak about that."

6 So Sean Song, whom you said was with you that evening, says that  
7 he does not know what happened to Chantha's grandparents and says  
8 that he heard that they had been executed the day before the  
9 Vietnamese arrived. So do you have any reactions with regard to  
10 the contradiction between your testimony and his?

11 A. I do not know on this point.

12 Q. So you know nothing regarding this, but earlier, when I put  
13 questions to you and I asked you if Chantha's grandparents were  
14 with her at the pagoda, you confirmed that and you said that you  
15 saw them thanks to the lamps. So my question is: do you  
16 contradict your testimony now?

17 [10.49.03]

18 A. It was not clear to see that site. I was so scared at the  
19 time.

20 Q. So under these conditions, can we say that you do not know  
21 very well who were the people at the pagoda on that day?

22 A. I did not know who <was who in the pagoda>.

23 [10.50.07]

24 MS. GUISSÉ:

25 Mr. President, I'm done with my questions.

1 QUESTIONING BY JUDGE FENZ:

2 Q. So just one for me obvious question after your last one, at  
3 least with the translation I heard. Are you saying "I do not know  
4 who did these acts" or "I don't know who the victims were"?

5 MR. UM SUONN:

6 A. I do not know all their names.

7 Q. The names of the victims or the names of the people who  
8 killed?

9 A. <I knew> militiamen in the pagoda. <They> were <> comrade Muoy  
10 (phonetic), <comrade Khort> (phonetic)<>.

11 Q. So when you say "I don't know their names", you mean the names  
12 of those who were killed, is that correct?

13 A. I do not know their names.

14 MR. PRESIDENT:

15 Thank you, Mr. Suonn. Your testimony has now come to an end. You  
16 may excused. You may return to your residence or to any place you  
17 wish to go.

18 Court officer, please work with the WESU unit to send Mr. Um  
19 Suonn back to his residence or to any destination he wishes to  
20 go.

21 Next, the Chamber will continue to hear 2-TCW-805. Court officer,  
22 please also usher 2-TCW-805 into the courtroom.

23 (Short pause)

24 [10.54.45]

25 QUESTIONING BY THE PRESIDENT:

1 Q. Good morning, Madam Witness. What is your name?

2 MS. UNG SAM EAN:

3 A. My name is Ung Sam Ean.

4 [10.54.56]

5 Q. Thank you, Madam Ung Sam Ean. Do you recall when you were  
6 born?

7 A. I do not remember it.

8 Q. How old are you this year?

9 A. I am 63 years old this year.

10 Q. Thank you. Madam Sam Ean, where was your birthplace?

11 A. I was born in Kraham Ka village. Kraham Ka village, Chantrei  
12 sub-district, Romeas Haek district, Svay Rieng province.

13 Q. How about your current address, where are you living now?

14 A. I am still living in the village, Kraham Ka village.

15 Q. What are your parents' names?

16 A. My father's name is Ung Dul and mother's Meas An.

17 Q. Thank you. What about your husband, what is his name and how  
18 many children do you have together?

19 A. My husband's name is Has Pheng. I have one child.

20 Q. Thank you, Madam Ung Sam Ean. Based on the report of the  
21 greffier, you are not related by blood or by law to any of the  
22 two Accused, that is Nuon Chea and Khieu Samphan, or to any of  
23 the civil parties admitted in this case. Is the report correct?

24 A. Yes, that is correct.

25 Q. Before you are here, have you already taken an oath before the

1 Iron Club statue to the east of this courtroom?

2 A. Yes, I have already taken an oath.

3 [10.57.31]

4 Q. Madam Ung Sam Ean, as a witness in the proceedings before the  
5 Chamber you may refuse to respond to any question or to make any  
6 comment which may incriminate you, right against  
7 self-incrimination. Your obligations as a witness in the  
8 proceedings before the Chamber, you must respond to any questions  
9 by the Bench or relevant parties, except where your response or  
10 comments to those questions may incriminate you, as the Chamber  
11 has just informed you of your rights as a witness. As a witness  
12 you must tell the truth that you have known, heard, seen,  
13 remembered, experienced or observed directly about an event or  
14 occurrence relevant to the questions that the Bench or parties  
15 post to you.

16 Madam Ung Sam Ean, have you ever provided interview to the  
17 investigators of the OCIJ? If so, how many times have you been  
18 provided the interviews and where did they take place?

19 A. They went to interview me at my house.

20 Q. When you were interviewed at your house, when did it happen?

21 A. I cannot recall when it happened; it happened a long time ago.

22 Q. How many times have you been interviewed?

23 A. I was interviewed once.

24 Q. Madam Ung Sam Ean, can you read and write?

25 A. No.

36

1 Q. Thank you. Before your appearance, have you listened to the  
2 reading of your record of interview, which you said happened at  
3 your house several years ago? Did anyone read the written record  
4 of interview out loud to you?

5 A. Yes, someone read it out loud to me.

6 Q. Thank you. To your best knowledge and to your best  
7 recollection, can you tell the Court whether or not the written  
8 record of the interview which was read to you corresponds to the  
9 answers that you provided to the investigator at your house?

10 [11.00.59]

11 A. Yes, the written of record interview corresponds to what I  
12 provided to the investigator at my house.

13 MR. PRESIDENT:

14 Thank you. On the basis of Internal Rule 91bis of the ECCC, the  
15 Chamber will give the floor first to the Co-Prosecutor before  
16 other parties. The combined time for Co- Prosecutors and the Lead  
17 Co-Lawyers is two sessions. You may now proceed.

18 [11.01.39]

19 QUESTIONING BY MR. SREA RATTANAK:

20 Good morning, Mr. President, Your Honours and everyone in and  
21 around the courtroom. Good morning, Madam Witness. My name is  
22 Srea Rattanak, I'm a National Deputy Co-Prosecutor at this Court.

23 Q. Where did you live between 1975 and 1979?

24 MS. UNG SAM EAN:

25 A. I lived in my native village that Kraham Ka village, Chantrei

1 commune, Romeas Haek district, Svay Rieng province.

2 Q. Did you remain living there or were you at any point moved to  
3 another location?

4 A. I was relocated to Takeo.

5 Q. When did that happen?

6 A. It was in 1979.

7 Q. Which month of 1979 did it happen?

8 MR. PRESIDENT:

9 Witness, please observe the microphone.

10 MS. UNG SAM EAN:

11 A. I cannot recall the month of the year. However, I was  
12 relocated there for a week and then I was returned.

13 BY MR. SREA RATTANAK:

14 Q. You stated that you do not recall the month; can you tell us  
15 <how long> between the time that you were sent to Takeo and <>  
16 the 7 January 1979?

17 [11.04.08]

18 MS. UNG SAM EAN:

19 A. I cannot recall that. I was relocated there for a week and  
20 then it was liberated and I returned.

21 Q. If I am not mistaken you said that you lived in your village,  
22 that is Kraham Ka village, Chantrei commune, Romeas Haek  
23 district, from <1975> to 1979, or at least a week before the  
24 liberation of the country, is that correct?

25 [11.04.47]



1 A. Yes, it is.

2 Q. In your village of Kraham Ka in Svay Rieng province, did you  
3 know if there were any Vietnamese people living in that village?

4 A. Yes, there were some Vietnamese living there.

5 Q. To your knowledge how many families of Vietnamese there were  
6 in your village?

7 A. There were three or four families, they were actually born  
8 there.

9 Q. Did you know them, for example their names?

10 A. Not really, since they were living far from me. They were  
11 living in Trapeang Run, while I lived in Kraham Ka village.

12 Q. Do you mean they lived in a separate village? And how far were  
13 they living from where you lived?

14 A. It was about a kilometre away from where I lived. However, I  
15 did not go there that often so I did not know them.

16 MR. PRESIDENT:

17 Deputy Co-Prosecutor, please ask shorter questions. You asked  
18 about a different village as well as how long it was between the  
19 two villages, so please try to avoid compound questions and you  
20 should recall that she does not read or write. For that reason,  
21 please simplify your questions so that she understands and can  
22 respond to your questions. The main objective is for the witness  
23 to understand your question so that she can respond.

24 [11.07.23]

25 BY MR. SREA RATTANAK:

1 Thank you, Mr. President. I take your advice and I simplify my  
2 questions.

3 Q. Did you and those Vietnamese families live in the same village  
4 or a different village?

5 [11.07.49]

6 MS. UNG SAM EAN:

7 A. They were living in a different village.

8 Q. How did you know that they were Vietnamese?

9 A. They used to carry things to sell them in my village.

10 Q. And did you know what happened to them during the period of  
11 1975 through '79? What happened to them?

12 A. Later on they disappeared, they were chased away to return to  
13 their country.

14 Q. You said that they were "chased away"; and when did that  
15 happen?

16 A. I do not know which year it happened.

17 Q. <Do> you know <whether those> Vietnamese people <were  
18 arrested> and taken away?

19 A. No, I don't. I only noticed that they disappeared from the  
20 village and I did not know where they went or whether they  
21 returned to their country.

22 Q. In order to refresh your memory, in document D166/55, with  
23 Khmer ERN at 00250719; French 00282908; and English 00268645 --

24 Let me repeat the document number, it also has E3 number, that is  
25 E3/7796, with the said ERN numbers as I just mentioned. You

40

1 answered before the OCIJ investigator that in 1977, the  
2 mixed-race Vietnamese, and there were about four, five of them,  
3 with Cambodian fathers and "Yuong" mothers, <or Cambodian mothers  
4 and "Yuong" fathers,> were arrested and disappeared and that they  
5 had lived in Kraham Ka village for a long time. And do you recall  
6 that event, that these four, five mixed Vietnamese children were  
7 arrested?

8 A. Yes, they were arrested and taken away, I recall that.

9 Q. Did you witness the arrest?

10 A. I witnessed it, that's why I said it; if I did not see it, I  
11 would not say it.

12 [11.12.22]

13 Q. At what time did the arrest take place?

14 A. It happened in the afternoon but I do not know what time it  
15 was.

16 Q. And who actually came to make the arrest?

17 A. I did not know them.

18 [11.12.58]

19 Q. How many of them who came to make the arrest?

20 A. There were two of them.

21 Q. Were they wearing any particular uniform?

22 A. They wore the same clothes as we all did.

23 Q. What do you mean by that?

24 A. They wore the same clothes that we did, that is black clothes.

25 Q. Were they armed?

1 A. No, they were not.

2 Q. If they did not carry any gun, did they carry any knife or  
3 club?

4 A. No, they did not carry any knife or club. They came to call  
5 them and took them away.

6 Q. When they came to make the arrest, were those children subject  
7 to be arrested <> together as a group?

8 A. They were all together, and they came to call them away.

9 Q. When they came or when they arrived, what did they tell those  
10 children?

11 A. They said that they were to be taken to a mobile unit.

12 Q. How long did the arrest take place?

13 A. The process of the arrest was not that long, it happened  
14 quickly as they were told to be taken to a mobile unit.

15 Q. Regarding these mixed-race children, how old were they?

16 A. They were between 10 <and> 15 years old and that was the age  
17 that they could join the mobile unit.

18 Q. Were these mixed-race children from different families? Allow  
19 me to simplify my question first. Did these mixed-race children  
20 come from different families?

21 [11.17.01]

22 A. They were the children of these two or three families.

23 Q. You knew that they were mixed-race children, that is half  
24 Vietnamese and half Khmer; did they speak Khmer clearly?

25 [11.17.41]

1 A. Yes, they did. They spoke Khmer; they did not speak Vietnamese  
2 or Chinese.

3 Q. And how did you know they were the mixed-race children between  
4 Vietnamese and Khmer?

5 A. They either had their Khmer fathers or Vietnamese and the wife  
6 or the mothers were another ethnicity, that is Vietnamese or  
7 Khmer.

8 Q. You said they were taken away; how were they taken away? Were  
9 they transported or were they walked away?

10 A. They were walked away, there was no transportation as a mobile  
11 unit was based not far from the village.

12 Q. Were they tied up?

13 A. No, they were not.

14 Q. And did you know where they were taken to?

15 A. They told them that they were taken to a mobile unit although  
16 I did not know for sure where they were taken to.

17 Q. And from that day onward, did you see them again?

18 A. No, I did not, and of course I spent most of my time working  
19 in the rice fields.

20 Q. What about their mothers and fathers, what happened to them?

21 A. Nothing happened to them because every ethnicity were  
22 instructed to join the mobile <units> and work in the rice fields  
23 and <built dams and dikes>. I refer to all the Khmer, the Chinese  
24 and the Vietnamese.

25 Q. My question is about the parents of those children who were

1 taken away. Were they sent somewhere?

2 [11.21.04]

3 A. No, they were not. They remained living in their houses.

4 Q. You just said that they remained living in their houses.

5 However, in the same document that I quoted earlier, I want to  
6 know what happened to the parents of those mixed-race children in  
7 1977, that is what happened to them after their children were  
8 taken away. Did they remain living in their same houses or did  
9 you no longer see them?

10 [11.22.01]

11 A. I did not see them any more as I was assigned to dig a canal  
12 far from where I lived, that is to the eastern part of Svay Rieng  
13 province.

14 Q. Does it mean you did not know about the fate of the parents of  
15 those mixed-race children? Am I correct?

16 A. <No>, I did not know about their fate.

17 MR. SREA RATTANAK:

18 Mr. President, I do not have any more questions for the witness  
19 and I would like to cede the floor to my international colleague.  
20 Thank you.

21 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

22 Thank you. Good morning Mr. President, good morning Your Honours,  
23 good morning to all the Parties. Good morning to you, Madam  
24 Witness. My name is Vincent de Wilde and I will continue putting  
25 questions to you on behalf of the Office of the Co-Prosecutors.

1 Q. I would like us to talk about the issue of <these> Vietnamese  
2 <people> and in a more in-depth manner, and I will proceed step  
3 by step. May I request you to answer my questions as concisely as  
4 possible, then we'll talk about what happened to your brother,  
5 Meas Sakhoeun, and also what happened to the authorities of the  
6 East Zone in your region, in the district of Romeas Haek.

7 Can you tell the Chamber in which sector the district Romeas Haek  
8 was situated? Did you know the <number> of that sector under the  
9 Democratic Kampuchea regime?

10 [11.24.19]

11 MS. UNG SAM EAN:

12 A. No, I do not recall which number. I <only> knew <> it was part  
13 of <Svay Rieng> sector, and my younger brother <> was a soldier  
14 at the time.

15 Q. Very well, we'll talk about your <younger> brother later, but  
16 before talking about the situation of the Vietnamese. How many  
17 kilometres away from the Vietnamese border was your village,  
18 Kraham Ka, located approximately?

19 A. It was several kilometres away from the border; it was pretty  
20 far.

21 Q. I will backtrack a little now and we'll talk about the  
22 Sihanouk period before Lon Nol came to power in 1970. You lived  
23 in Svay Rieng in a zone not very far from the Vietnamese border;  
24 in fact, it touched on that border. During the Sihanouk period,  
25 were there lots of commercial exchanges between the Khmer and

1 Vietnamese on both sides of the border? For instance, did the  
2 Vietnamese enter Cambodia with merchandise?

3 [11.25.56]

4 A. I did not know about that; for that reason, I decline to  
5 respond to this question.

6 Q. A while ago, you talked about a number of families who were  
7 born either in your village or in Trapeang Mun (phonetic), if I  
8 understood you correctly. Were there other Vietnamese in the  
9 villages of the region and in your commune, Chantrei, who had  
10 settled there? Were there many Vietnamese who had settled there?

11 A. There were not many of them. From previous regime, I noticed  
12 that there were only two or three families living in the area.

13 Q. Did you yourself travel in the region or <did> you stay in the  
14 same village?

15 A. I was assigned to work in the rice fields or to dig a pond far  
16 from the village; I spent most of time away from the village.

17 Q. Very well. But are you talking of the Sihanouk period, since  
18 we're still in that period, or <are you> talking <about> the  
19 Khmer Rouge era? Madam, wait for the <red> microphone light to be  
20 turned on before you speak.

21 [11.27.39]

22 A. <I don't know.> I can only respond to your question when I  
23 know the answer and if I don't, I <don't dare answer it>.

24 Q. Let me repeat the question because it was not clear. Under the  
25 Sihanouk regime, did you have to travel from your village to



1 other villages and other communes <in your> region on account of  
2 your work or <did> you remain <continuously> in Kraham Ka, in the  
3 Chantrei commune?

4 [11.28.20]

5 A. I did not travel anywhere. I spent most of time in my native  
6 village of Kraham Ka since my childhood until now.

7 Q. Very well. So when you say that there were few Vietnamese, you  
8 are referring to the fact that there were indeed very few  
9 Vietnamese, but that was only in Kraham Ka village, and you are  
10 not talking of the other villages. Should I understand that as  
11 your testimony?

12 A. Yes, I spoke about those living in my village and I cannot  
13 tell you about other villages.

14 Q. Well, we'll now focus on the families in your village. Were  
15 there families consisting entirely of persons of Vietnamese  
16 origin, that is persons who <were> not of mixed Khmer and  
17 Vietnamese origin?

18 A. No, there was none.

19 Q. So you mean that in the Sihanouk time there were only mixed  
20 families, that is to say that one of the spouses was Khmer and  
21 the other was of Vietnamese origin, is that correct?

22 A. Yes.

23 Q. And again, during the Sihanouk era, was the cohabitation  
24 between the Khmer and mixed families good? Can you tell us if the  
25 <spouses> of Vietnamese origin were well <accepted> in the

1 <community of your> village?

2 A. No, they were like the Cambodian families, the three or four  
3 of them.

4 [11.30.50]

5 MR. PRESIDENT:

6 Thank you, Deputy Co-Prosecutor. It is now appropriate for us to  
7 take our lunch break. We'll take a break now and resume at 1.30  
8 this afternoon.

9 Court officer, please assist the witness at the waiting room  
10 reserved for witnesses and civil parties during the lunch break  
11 and invite her back into the courtroom at 1.30 this afternoon.

12 Security personnel, you are instructed to take Khieu Samphan to  
13 the waiting room downstairs and have him return to attend the  
14 proceeding this afternoon before 1.30.

15 The Court is now in recess.

16 (Court recesses from 1131H to 1334H)

17 MR. PRESIDENT:

18 Please be seated.

19 The Court is back in session and the floor is given to Deputy  
20 Co-Prosecutor to put questions to this witness. You may now  
21 proceed.

22 BY DE WILDE D'ESTMAEL:

23 Thank you, Mr. President.

24 Q. Witness, I would like to try to clarify again the status of  
25 the different families you spoke about who are of Vietnamese

48

1 origin in your village or close to your village. Because what I  
2 remembered from what you said earlier, there were three or four  
3 families that were originally from the village and who were  
4 residing one kilometre away from Kraham Ka, and that the members  
5 of these families would come to your village to sell goods. So  
6 did I properly understand what you said?

7 [13.35.45]

8 MS. UNG SAM EAN:

9 A. Yes, that is correct.

10 Q. Now, regarding these families, which were mixed if I  
11 understood properly, that is to say either the husband was Khmer  
12 or the wife was Khmer, were the parents of the Vietnamese  
13 husbands or wives living with them? Were the Vietnamese parents  
14 living with their children in the village?

15 A. They were living together.

16 Q. So if I understood well, in these mixed families, there were  
17 people who were purely Vietnamese, for example grandparents, and  
18 then there were mixed members of the families, such as a child  
19 married to a Khmer spouse and <perhaps also> grandchildren. So  
20 did I properly understand your testimony?

21 [13.36.56]

22 A. Yes, you do.

23 Q. Now I would like to revisit the way it was possible to  
24 distinguish the Khmer from the Vietnamese back then in the time  
25 of Sihanouk. Was it easy to know by looking at a person or by

1 listening to a person, who was Khmer and who was of Vietnamese  
2 origin?

3 A. I do not know how to distinguish Vietnamese and Khmer people  
4 since they had quite the same complexion, I mean dark skin <>.

5 Q. Fine. But aside from the physical features, in these families  
6 of Vietnamese origin, did some of the family members speak  
7 Vietnamese or did they speak Khmer with a Vietnamese accent? Did  
8 you notice that?

9 A. They could speak Khmer very well; they did not speak Khmer  
10 with accent.

11 Q. Well, in these families, would they celebrate -- <would they  
12 follow certain traditions>, such as <celebrating> the Vietnamese  
13 New Year, <meaning> in February instead of April? Did you note  
14 anything special regarding holiday <celebrations> within these  
15 families <or organized by these families>?

16 A. No, they did not celebrate their traditional celebrations  
17 since there were very few Vietnamese families in my village.

18 Q. Fine. So this means that you did not know if they would  
19 celebrate these holidays at home or not, you really didn't know  
20 anything about this?

21 A. I never visited their families, so I did not know about that.

22 Q. And in your village or in Chantrei commune <in general>, were  
23 there places of worship reserved for the Vietnamese and that had  
24 been built by Vietnamese, for example temples or even churches?

25 A. No, no, there weren't any temples or churches. There was only

1 Khmer pagoda, Buddhist pagodas.

2 [13.40.10]

3 Q. Fine. Earlier I noted that you said, I think it was when you  
4 were answering one of my first questions, that between 1975 and  
5 1979, the Vietnamese had been chased and sent back to their  
6 country. And when my colleague asked you which year, you said  
7 that you did not remember. So I would like to revisit this. You  
8 said that Vietnamese people had been chased and sent back to  
9 their country; was it a little while or a long time after Phnom  
10 Penh fell, that is to say April 1975, or was it much later? Do  
11 you remember?

12 A. It was before that time, it was before the fall of Phnom Penh.  
13 They went somewhere else which I did not know where they were  
14 going to.

15 Q. And back then, <had> the revolutionary army already arrived in  
16 your region, that is to say the people known as the "Khmer  
17 Rouge"? So were the Khmer Rouge already in your village when the  
18 Vietnamese were chased <out>?

19 A. I did not see them at the time.

20 Q. So how do you know then that some Vietnamese had been chased  
21 out of the village and sent back to their country? How did you  
22 learn that? Is this something that people talked about in the  
23 village?

24 [13.42.14]

25 A. Villagers living close to my house mentioned about that.

1 Q. Fine. Well, now I would like to ask you if between 1975 and  
2 1979, you had to attend big meetings on a regular basis, that is  
3 to say that there were days when you didn't have to work but you  
4 had to attend meetings. Did that happen?

5 A. I never attended any big meetings. In fact we held a meeting  
6 among ourselves, for <several> of us in <group> meeting.

7 Q. So nobody <ever came> from the district or from the commune,  
8 <there were never> Khmer Rouge cadres who came to your village in  
9 order to hold a meeting with the villagers?

10 A. No, no such meetings were held. We villagers would convene our  
11 own meetings within our village.

12 [13.43.50]

13 Q. Well, now I would like to get back to these three to four  
14 mixed families, that is to say couples that were Khmer and  
15 Vietnamese with mixed children too. You said earlier that you  
16 didn't remember the names because you did not know these people  
17 sufficiently well. However, you would see these people on a  
18 regular basis; you told me that these people would come to your  
19 village to sell things. So how is it that you do not remember the  
20 names <at all>? Did you know the names back then and you don't  
21 remember them today, or <did you> never <know> their names?

22 [13.44.44]

23 A. I did not know them, I did not know their names. I <only saw  
24 them>.

25 Q. Fine. So are we speaking here about three or four families?

1 Can you be a little bit more precise, do you know more about  
2 this? And maybe you can tell us how many of these families  
3 included a Khmer husband and a Vietnamese wife?

4 A. There were three families whom I saw.

5 Q. And among these three families or among these three mixed  
6 couples, were there Vietnamese women married to Khmer husbands,  
7 and if such was the case, how many were there?

8 A. I saw five families and I knew nothing else besides the five  
9 families.

10 Q. Earlier I heard three, now I heard five, so are you drawing a  
11 distinction between these three or five families? And also, I  
12 don't know if you understood my question or not. Can you tell me  
13 whether or not you understood my question.

14 A. I understood your question. In fact there were three families,  
15 three couples, but altogether <with their children who may have  
16 had families of their own in the country,> there were perhaps  
17 five <families>. Since they had been living in Cambodia for so  
18 long, they had their offspring.

19 Q. I still don't understand what you mean by these five families;  
20 does this mean that within these three families there were five  
21 members? Or maybe I really missed the picture here.

22 A. You are asking me about the families of Vietnamese; first  
23 there were three families and later on <they had children who had  
24 their own families afterward, so then there were five families  
25 altogether.>

1 [13.48.00]

2 Q. Fine, so three original and then mixed marriages that  
3 followed, <and so a larger community>. Well, earlier you spoke  
4 about the fact that you saw four or five teenagers aged between  
5 10 and 15 who were mixed blood, Khmer-Vietnamese, and who came  
6 from these families in your village and who had been taken away.  
7 And they were told that they would be transferred to a mobile  
8 unit. <But> <before> the OCIJ investigators, you used the word  
9 "arrest", and you spoke about "arrest" again this morning. So  
10 what led you to think that these people were not only transferred  
11 but <indeed> arrested?

12 [13.49.18]

13 A. I saw people coming to arrest them and they said that they  
14 wanted to send those arrested people to mobile units. <My  
15 relatives' children and I were also sent to be members of mobile  
16 units. >

17 Q. Do you know if these people really went to the mobile units or  
18 not? And what are the elements you base yourself on to form your  
19 opinion?

20 A. They went to mobile units to build embankments, dig ponds and  
21 work in the rice field. All of them had to work the field during  
22 the rainy season.

23 Q. What I wanted to know, <if you say these people were arrested,  
24 does that mean> these people survived the regime or <that> they  
25 were <for example> executed, <or that they died in some other



1 way>. Can you clarify this?

2 MR. KOPPE:

3 Mr. President, I have two objections actually. First of all, this  
4 is being very repetitive. The witness has said over and over that  
5 these families were sent to work in a mobile unit. I believe also  
6 this morning she referred to families being sent to Vietnam.  
7 Having said that I come to my second objection: to present the  
8 witness these two options, whether they were executed or not, is  
9 not a fair question. They might as well been sent or deported or  
10 whichever word you would like to use to Vietnam and still be  
11 alive.

12 [13.51.28]

13 BY MR. DE WILDE D'ESTMAEL:

14 That's what I'm trying to clarify in fact, Mr. President, and I  
15 did give the third possibility.

16 Q. What really catches my attention is your use of the word  
17 "arrest". The word "arrest", at least in French, means that  
18 someone is taken away and deprived of his or her freedom, and  
19 then either the person is released or the person can be executed  
20 or mistreated. When you use therefore the word "arrest", did you  
21 mean that these people had been assigned to other units or does  
22 this mean that they were really arrested, or does it mean  
23 something else? Can you please be clear about this?

24 MR. PRESIDENT:

25 Mr. Deputy International Co-Prosecutor, perhaps you misquoted the

55

1 testimony of the witness. Could you specify the point where the  
2 witness mentioned about the arrests were made? And I think the  
3 objection of the Defence Counsel Koppe is correct, the question  
4 is repetitive. I think there is no point that the witness made  
5 mention about the arrest.

6 [13.52.54]

7 JUDGE FENZ:

8 Sorry, an additional comment: short questions, not seven options  
9 and nobody remembers in the end the options and the consequences  
10 of the options. So perhaps, for the benefit of everybody but  
11 specifically the witness, short questions.

12 BY MR. DE WILDE D'ESTMAEL:

13 Okay. Well, let me base myself again on the quote in the WRI,  
14 it's E3/7796, and this was said earlier on: in French 00282908;  
15 Khmer 00250719; English 00268645. In fact, it's the very first  
16 answer by the witness to the questions, and this is what she  
17 said, and I quote, "In 1977 as well, four or five Vietnamese  
18 mixed bloods, whose father was Cambodian and whose mother was  
19 <Cambodian (sic) or whose father was Vietnamese and the mother  
20 Cambodian,> whose names I don't remember, were arrested and taken  
21 away for good. They were living in this village of Kraham Ka for  
22 a long time." <End of quote.>

23 MR. PRESIDENT:

24 Please hold on Madam Witness, you have the floor now, Koppe.

25 MR. KOPPE:

1 Thank you Mr. President. In my WRI in English it says, "Were  
2 arrested and taken away." Full stop. The addition -- what was it,  
3 forever, is maybe a new addition. So I would like to be clear on  
4 what the exact words are in the WRI.

5 BY MR. DE WILDE D'ESTMAEL:

6 Well, let's clarify this then. In French, it says what I read,  
7 and in English, it just says "arrested and taken away". So this  
8 is why, Mr. President, I would like to focus on this word  
9 "arrest", which has a specific meaning. It does not simply mean  
10 transferring someone. So maybe to clarify once again this issue,  
11 <Witness>, when you say that these four to five Vietnamese mixed  
12 bloods were arrested and taken away, do you know what happened to  
13 them or not?

14 [13.55.49]

15 MS. UNG SAM EAN:

16 A. I do not know what happened to them. If I had known, I will  
17 tell you.

18 Q. And after 1979, did you see these four or five teenagers in  
19 your village again or did they never reappear?

20 A. I never saw them back.

21 Q. And what about the parents of these teenagers, did you see  
22 them again?

23 A. No, I did not see them either. I did not know at the time  
24 where they went to.

25 Q. So you never saw <any> of these <entire> families or only the

1 people of Vietnamese origin among these families?

2 A. For those who had been brought to the mobile unit, they never  
3 came back. The children went together with their parents.

4 Q. And in the village, whether under the DK regime or after 1979,  
5 were villagers aware of what happened to these people, did they  
6 speak about this?

7 [13.57.55]

8 A. No one discussed the matter, nothing at all was discussed.

9 Q. Fine. I will close this chapter now, come to another topic  
10 now, which is the fate that was meted out to your brother, Meas  
11 Sakhoeun. I'm probably not pronouncing it well; his name is  
12 M-E-A-S, his first name is S-A-K-H-O-E-U-N (sic). So was Meas  
13 Sakhoeun your younger brother?

14 A, Yes, he was my younger brother, after me.

15 Q. If I'm not mistaken, the people who met you at DC-Cam showed  
16 you or read out to you your brother's biography at Tuol Sleng, is  
17 that correct? Do you remember that?

18 A. I do not know about that. I cannot recall it.

19 Q. However, in your WRI E3/7796, in French it is on page  
20 00282909; in Khmer I believe it's -- I have an extra digit here  
21 but, 00250720; English 00268646, and you stated as follows to the  
22 OCIJ investigators and I quote, "In 2005, the staff of an  
23 organisation came to <look for my younger brother> and they  
24 brought the biography of a Tuol Sleng prisoner to me." I'm not  
25 sure about the French translation, but what I understand from

1 this is that the biography of your younger brother was shown to  
2 you in 2005; does this ring a bell?

3 [14.00.44]

4 A. Yes, the document was brought to <my parents, unfortunately  
5 they had passed away, so they gave it to> me <instead>. And  
6 before that time I did not know that my younger brother had been  
7 killed at that site.

8 Q. Very well. That biography, <E3/2537>, mentions that your  
9 younger brother was arrested when he was aged 23. At what age did  
10 he join the Kampuchea Revolutionary Army?

11 A. He was about 17 years old when he joined the army.

12 Q. The biography indicates that he joined the army in 1972. Does  
13 that also jog your memory? That is three years prior to the  
14 liberation of Phnom Penh?

15 A. I could not remember it well.

16 Q. Do you know the military unit to which your younger brother  
17 was attached and where he was working?

18 A. I did not know which unit but he worked along the border, in  
19 the eastern border.

20 Q. I would like to say what the biography of your brother from  
21 S-21 says that he was the chief of a military section in Romeas  
22 Haek district from 1972 to 1975, and <then chief of section> in  
23 <Sector> number 23. Do you know what rank your younger brother  
24 had, if at all he had any?

25 MR. PRESIDENT:

1 Witness, please hold on, and Defence Counsel Koppe, you have the  
2 floor now.

3 [14.03.48]

4 MR. KOPPE:

5 Thank you Mr. President. Three observations: first of all, I  
6 think it's E3/2537 rather than 36. Secondly, a request for  
7 clarification: where does it say that this is in fact an S-21  
8 document? And third, is the Prosecution now doing what I'm always  
9 reprimanded for, using an S-21 document?

10 MR. DE WILDE D'ESTMAEL:

11 I can very easily respond to the last remark. There's a clear  
12 distinction between the use of contents and the substance of  
13 torture-tainted statements <obtained at> S-21 and the use of a  
14 simple biography which is one page long, which simply details  
15 position held during different years, when someone held a  
16 particular position. These pages are <usually> not <obtained>  
17 from <a> detainee who <is> interviewed under torture. It is  
18 merely biographical information and it is not one of the  
19 documents that cannot be used before this Chamber. As regards the  
20 origins of that document, that document was indeed labelled as  
21 such, <discovered> by DC-Cam <on site at Tuol Sleng. I don't have  
22 further> details <about the discovery> of the document per say  
23 but <it doesn't differ from the other biographies that were  
24 discovered at S-21>. Can I proceed, Mr. President?

25 [14.05.51]

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 MR. DE WILDE D'ESTMAEL:

4 <Q. Do you know if your brother was -->

5 MR. PRESIDENT:

6 <Please hold on.>

7 [14.06.02]

8 (Judges deliberate)

9 [14.12.03]

10 MR. PRESIDENT:

11 Please resume. This morning <> 40 minutes of our time <was used  
12 already>, so when putting questions we need to stick to the time  
13 allocated by the Trial Chamber, <which is two sessions only,>  
14 because the Trial Chamber also needs some time to put questions  
15 related to the calling of witnesses, <civil parties> to testify  
16 next week. So the Trial Chamber also needs to listen to the  
17 <parties' comments as well>. So it doesn't mean that the whole  
18 evening is given to parties to put questions.

19 [14.13.03]

20 MR. DE WILDE D'ESTMAEL:

21 Mr. President, this morning when we started you told us that we  
22 are entitled to two sessions and we <also - and I underscore that  
23 --> had anticipated yesterday that this witness would come before  
24 the Chamber today <instead of> next week, which means that our  
25 preparations were not quite up to our expectations, <as we could

61

1 have been otherwise. So I will continue where we left off, I will  
2 try to move ahead faster -->.

3 MR. PRESIDENT:

4 <It was said that two sessions were allowed. And> this morning I  
5 gave 40 minutes to parties to ask questions <already>. The Trial  
6 Chamber now will soon need some time to <listen to parties  
7 regarding the issues we are facing now, which concerns the lack  
8 of witnesses and civil parties that the Chamber would like to  
9 call to have them testify at this court> next week. So the Trial  
10 Chamber needs at least 40 minutes to <listen to the parties, so  
11 that the Chamber is able to take action with WESU and expert on  
12 time.>.

13 [14.14.20]

14 MR. DE WILDE D'ESTMAEL:

15 I will proceed. I have indeed understood that the Chamber will  
16 need 40 minutes but I'm not sure that that time should be  
17 deducted from the time allotted to us.

18 MR. PRESIDENT:

19 The Chamber will need 40 minutes this afternoon for other  
20 proceedings and this 40 minutes is not taken from the allotted  
21 time for the Co-Prosecutor and the Lead Co-Lawyers. However, this  
22 morning you already used 40 minutes of your time.

23 BY MR. DE WILDE D'ESTMAEL:

24 Very well, thank you, Mr. President. The translation of what you  
25 said is clearer now.



1 Q. Witness was your brother, your brother, an officer or a rank  
2 and file soldier? <Do you know that information?>

3 MR. KOPPE:

4 That I object, Mr. President, and I ask your ruling. Is the  
5 Prosecution allowed to refer to this document, being an S-21  
6 document? If I can't then the Prosecution cannot either, and it's  
7 not an S-21 document, so we need to rule on that as well.

8 MR. PRESIDENT:

9 Counsel Koppe, please be on your feet. Are you making an  
10 objection or are you making an observation? It is through the  
11 Khmer channel that you are providing the Chamber with observation  
12 and not an objection. And if it is simply an observation then  
13 there is no need for an oral ruling from the Chamber.

14 [14.16.09]

15 MR. KOPPE:

16 Correct, that's why it's now an objection.

17 [14.16.23]

18 MR. PRESIDENT:

19 Deputy Co-Prosecutor, you may proceed.

20 MR. DE WILDE D'ESTMAEL:

21 Thank you. Let me try once again.

22 [14.16.48]

23 (Judges deliberate)

24 [14.17.03]

25 MR. PRESIDENT:

1 The objection by the Defence Counsel for Nuon Chea, that is  
2 Counsel Koppe, is overruled. If only the biographic information  
3 is extracted from the S-21 <biographies>, it can be used.  
4 However, the main content of <information which resulting from>  
5 torture, the tainted evidence is prohibited in the proceedings  
6 and this has been our standard practice since Case 001.  
7 And the interpreter, please be careful with the words that you  
8 interpret. There is a clear distinction between observation and  
9 objection. I, the President, I listened to the Khmer channel and  
10 I only heard an observation was being made by counsel; for that  
11 reason, there is no need for a ruling from me. In particular, in  
12 relation to observation or objection raised by the defence  
13 counsels.

14 And Deputy Co-Prosecutor, you may proceed.

15 [14.18.24]

16 JUDGE FENZ:

17 Another translation issue. If I understand counsel correctly, you  
18 objected to the use of that biography. This is a biography, not a  
19 confession. Have I got that right? Has this been translated now,  
20 so everybody is on the same level? Yes. Question in this context:  
21 does the Prosecution who wishes to use the document have any  
22 information on where this document was produced? As we know, some  
23 biographies came from outside, some were written while people  
24 were there, meaning in S-21; is there any information to this  
25 effect?

1 BY MR. DE WILDE D'ESTMAEL:

2 Thank you. What I know <is> that this kind of detainee biography  
3 that has an <arrest> date and which generally comes from S-21 --  
4 on account of the time allotted to us and the fact that <the  
5 witnesses have been called in a different order>, I have not  
6 asked any questions on that, <but> I <would like to> put  
7 questions to the witness on that if it suits the Chamber. That  
8 said, we should bear in mind that it is a biography, and not just  
9 about any kind of biography; it is a biography of a detainee. <To  
10 my knowledge, it was not> obtained from <elsewhere. The only  
11 files we have from elsewhere in the country> that <do not>  
12 concern S-21, <were those from> Krang Ta Chan; we do not have  
13 <this kind of> of <detainee biography> <from there>.

14 Q. Witness, <if you are still with us, please> answer this simple  
15 question: do you want rank your brother had in the army if at all  
16 he had one, or was he a simple rank and file soldier?

17 MS. UNG SAM EAN:

18 [14.20.43]

19 A. No, I don't. He went to join the army, and he did not return,  
20 so I did not know <what rank he had> at all, and later on he  
21 disappeared.

22 Q. Do you know whether he was arrested and if yes, do you know  
23 approximately when?

24 A. I did not know, I only saw his biography when I saw it Phnom  
25 Penh.

1 Q. Did you ever hear anyone saying your district, Romeas Haek,  
2 that the soldiers who were stationed along the border between  
3 Cambodia and Vietnam had betrayed Angkar? Did you hear anything  
4 of that sort during that period?

5 A. I never heard about this, I did not hear people talk about  
6 this.

7 Q. But you appeared to say now that you heard about the arrest of  
8 your brother because his biography was read out to you. You said  
9 something else in the record of your interview, E3/7796; the page  
10 in French is 282909; in English it's on page 3; and in Khmer, on  
11 page 3 as well. And the first answer you gave, you said the  
12 following, "At about mid-1978". And further on you said, and I  
13 quote, "At the same time, my younger brother Meas Sakhoeun, a  
14 soldier in the Romeas Haek district, was arrested and he  
15 disappeared for good. And he had been told that he was supposed  
16 to go and build runways <for> the Kampong Chhnang airfield." And  
17 further on, in answer number 2, you said the following, "The  
18 disappearance of my younger brother called Meas Sakhoeun occurred  
19 at a time when soldiers from the East were massively arrested by  
20 people from the Southwest Zone without any known reason at about  
21 mid-1978." <End of quote.>

22 Now, did you know in 1978 that he had been led away and that he  
23 was supposed to have gone to build the runway of the Kampong  
24 Chhnang airfield?

25 [14.24.30]

1 A. Yes, his fellow soldier told me that he was sent to build the  
2 runway in Kampong Chhnang.

3 Q. One of his comrades; and did that comrade see him in Kampong  
4 Chhnang or <did he> simply report to you that he may have been  
5 sent to Kampong Chhnang? <Do you see the difference?> Did your  
6 brother indeed arrive at Kampong Chhnang or <did he actually  
7 never go> there? Did that comrade of his tell you anything  
8 regarding that?

9 A. He told me that my brother was put on a truck and sent to  
10 <build the runway in> Kampong Chhnang, but that guy himself also  
11 was not sure whether my brother was really sent to Kampong  
12 Chhnang.

13 Q. Did you know or did you learn that your brother went alone in  
14 a truck or <did he go> together with several soldiers from the  
15 East Zone at that time?

16 A. He told me that there were many <people> sent there in trucks  
17 to build the airfield in that province.

18 Q. And do you know approximately where those people were sent,  
19 <or where they were sent from?> What was their point of  
20 departure? <It could be> a commune or district of your region.

21 A. His fellow soldiers, who <had> escaped, <> told me <about  
22 that>. <They didn't inform the exact location of departure and  
23 destination. They did not even know me at first until they asked  
24 and I said I was his sister. So they told me that. And my brother  
25 disappeared since >.

1 Q. Very well. But my question was: from which commune or which  
2 district of Svay Rieng did your brother board the truck? If you  
3 know, tell me; if you don't know, just tell me you don't know.

4 A. I don't know. If I know, I will tell you, <if not, I will say  
5 that I do not know> because I did not witness it myself.

6 [14.28.01]

7 Q. Well, I'll go into another line of questioning. Did you know  
8 at the time, that is between 1975 and 1979, the name of the chief  
9 of the Romeas Haek district?

10 A. I saw him but I did not know his name. He was the chief, so I  
11 knew his face but I did not know his name.

12 [14.28.45]

13 Q. You gave a name when you were interviewed by DC-Cam, that was  
14 in 2005 when you were interviewed. I do not have the page in  
15 Khmer but in French it is on page 12, Mr. President, and in  
16 English on page 8. And you stated that the <chief> of that  
17 district was <called "Old Man", or> Ta Sophal, S-O-P-H-A-L. Do  
18 you remember that name or <are you> not sure about that?

19 A. I knew that person, he is in Chantrei commune.

20 Q. So you're not really sure that he was the district chief or  
21 the commune chief, is that what I must understand?

22 A. I was not interested in this because I was just an ordinary  
23 person, so I did not know about that.

24 MR. KOPPE:

25 Mr. President, a very small observation: it's not this witness

68

1 who is saying that the name of the district chief Ta Sophal, but  
2 it's a neighbour who is apparently also part of that interview.  
3 And then the witness says, "I know Ta Sophal", and then talks  
4 about to whom he was married. So it wasn't her in the DC-Cam who  
5 said that.

6 [14.30.48]

7 MR. DE WILDE D'ESTMAEL:

8 Yes, Counsel Koppe is right. The following answer by the witness  
9 seems to corroborate the fact that he might have been the  
10 district chief, but then the witness said that she doesn't know  
11 exactly.

12 Q. Now, at any point in time in your district or in your commune  
13 at Chantrei, or in in your village Kraham Ka, <were> the cadres  
14 who were there since 1975 ever changed <completely> at one point  
15 in time?

16 A. No, there was no change at all at my area or at the commune  
17 level. However, there was a change at the district level but not  
18 at the commune level.

19 [14.31.56]

20 Q. And at the district level, who replaced the former chief? Do  
21 you know who he was, where he came from?

22 A. I heard people talking about the replacement and the new  
23 replacement came from the Southwest, but I myself did not know  
24 where the Southwest Zone was.

25 Q. Fine. And my very last topic, and I'm informing the Chamber

1 that the civil party lawyers have no questions to put to this  
2 witness, so can you briefly speak to us about the observance of  
3 Buddhism under the DK regime. Was it possible for you to go to  
4 the pagoda, for example, between '75 and 1979?

5 [14.33.15]

6 A. How could we go to the pagoda? There was nothing at the pagoda  
7 as the monks were all <defrocked>.

8 Q. Why was there nothing at the pagoda? Why were the monks  
9 disrobed? Did anyone among the local cadres explain to you why?

10 A. Yes, they did. The monks were all <defrocked> and they had to  
11 join the mobile units. There were no monks <> in the pagoda any  
12 more.

13 Q. What happened to the Buddha statues in the pagodas and in the  
14 monasteries?

15 A. There were no longer Buddha statues, they were all gone.

16 Q. Do you know what the Chantrei pagoda was used for between '75  
17 and 1979?

18 A. No, I did not since I did not go there. However, I saw the  
19 structure of the temple but there were no Buddha statues.

20 Q. And when the statues were destroyed and when the monks were  
21 <defrocked>, did this seem normal to you or did this shock you?

22 A. I didn't have any opinion at the time. The monks were all  
23 <defrocked;> otherwise, they would have no food to eat <>.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you, Witness, I have no further questions to put to you.



1 MR. PRESIDENT:

2 Thank you. The Chamber will take a short break and resume at 10  
3 to 3.00. Court officer, please assist the witness during the  
4 break time and invite her back into the courtroom at 10 to 3.00.  
5 (Court recesses from 1436H to 1454H)

6 MR. PRESIDENT:

7 Please be seated. The Chamber resumes its session. And before I  
8 hand the floor to the defence teams to put to the witness, we  
9 have two issues that we would like to have observations and  
10 comments from the parties. <First,> we received <> information  
11 from the WESU via email at noon time today. The email <notified>  
12 the Chamber that 2-TCCP-869 has health issues. <Second,> <> this  
13 civil party wishes to forfeit the status as a civil party in this  
14 case. And I'd like to hear clarification from the Lead Co-Lawyer  
15 for civil parties about the forfeiture of this civil party's  
16 status so that we can arrange the remaining time to hear  
17 witnesses and civil parties for next week.

18 [14.56.50]

19 MR. PICH ANG:

20 Good afternoon, Mr. President, Your honours and the parties. As  
21 Mr. President has indicated, the civil party 2-TCCP-869 has some  
22 health issues and after this civil party met with the civil party  
23 lawyer, it seems that this civil party does not wish to testify  
24 in this courtroom amongst the crowd. This civil party does seem  
25 to have some trauma in facing a large crowd of people, and due to

71

1 this nature, this civil party does not wish to appear before Your  
2 Honours' Chamber. We actually tried to contact this civil party  
3 for further information via telephone; however, the phone was not  
4 answered. And we are not in a position to compel this civil party  
5 to testify before Your Honours.

6 MR. PRESIDENT:

7 What about the information that this civil party wishes to  
8 forfeit the civil party status? Do you have any clear, better  
9 information regarding this matter?

10 MR. PICH ANG:

11 With the information provided to us by the lawyer for this civil  
12 party and also through the information that we obtained from  
13 WESU, the information is consistent that the civil party wishes  
14 not to appear before Your Honours' Chamber.

15 MR. PRESIDENT:

16 However, does the civil party explicitly mention the intention to  
17 forfeit the civil party status?

18 MR. PICH ANG:

19 <No>. The civil party does not inform us expressly about the  
20 forfeiture of the civil party status. The civil party only  
21 mentions that he doesn't want to appear before your Chamber.

22 MR. PRESIDENT:

23 Thank you, and I'd like to hand the floor now to Judge Fenz.

24 [14.59.42]

25 JUDGE FENZ:

1 Two comments, one question. First of all, even if the civil party  
2 status is withdrawn or the application duplication is withdrawn,  
3 this person could still be called as a witness. This is a person  
4 who has been requested by the prosecutors. So we have an issue  
5 here; just saying, "I don't want to come" will not cut it. I've  
6 just got the medical, the statement from the doctor, which I'm  
7 not going into details, but in effect it says she's capable to  
8 testify here.

9 May I ask for more information on this issue in the light of what  
10 I just said?

11 MR. PICH ANG:

12 Maybe I don't get all the questions from you, Judge Fenz,  
13 however, the confirmation that we received from the civil party  
14 is that the civil party does not intend to testify before the  
15 Chamber. However, the civil party does not explicitly express the  
16 intention to withdraw the civil party's status from this case.

17 [15.01.15]

18 JUDGE FENZ:

19 Have the colleagues informed the civil party who would be a  
20 witness, if she is called, in case she withdraws her status, that  
21 she has an obligation to appear before the Chamber once she is  
22 summoned?

23 MR. PICH ANG:

24 Your Honour, in fact, I tried to make a phone call to the child  
25 of this civil party; however, the phone was not answered. For

1 that reason, I do not have any further information to provide  
2 you.

3 JUDGE FENZ:

4 Before we go ahead, question to the prosecutor who requested this  
5 person. Do you uphold your request to hear this person?

6 MR. DE WILDE D'ESTMAEL:

7 Thank you, Your Honour. I do not have much material in hand in  
8 order to voice an opinion. It is true that we have requested that  
9 this civil party appear. I understand that the civil party is  
10 suffering from a trauma, so I will defer to the decision of the  
11 Chamber. There are two factors that should be taken into account,  
12 the <physical> aspect. <I imagine the doctors have had a chance  
13 to perform an evaluation.> If the Chamber considers that that  
14 person is fit to testify, that is one thing. But I hear there is  
15 a problem of psychological trauma that could be reactivated in  
16 the case of a hearing and we should take that into account.  
17 We are not here to make people feel <more> traumatized. Now,  
18 another question, perhaps we'll look at it later, but I also note  
19 there is a succession of either deaths or persons called to  
20 testify regarding events in Prey Veng province. We are worried  
21 about that, because we think that it should be possible for us to  
22 replace them. I'm thinking of two persons, 2-TCW-843 and  
23 2-TCW-957. These persons are on our list of <proposed> witnesses  
24 for Prey Veng province, and it could well be that your decision  
25 would be not to call this civil party <if the Chamber is of a

1 view that they can be called to testify>. That is our position.

2 [15.03.58]

3 MR. PRESIDENT:

4 Judge Lavergne, you have the floor.

5 JUDGE LAVERGNE:

6 Thank you, Mr. President. There is apparently a fear that is  
7 prevalent today, that of trauma that would be reactivated by the  
8 appearance of the civil party <before this Chamber>. Can the  
9 civil party Lead Co-Lawyers tell us whether that civil party has  
10 been informed of the existence of an organization such as TPO and  
11 has any effort been made to contact TPO? <Can> TPO <possibly>  
12 provide us with feedback as to the <real> health status of that  
13 civil party? Because if that organization does exist, it is  
14 precisely to provide such counselling and support to civil  
15 parties. Any person appearing before this Chamber can be  
16 traumatized, so the simple possibility that a person may suffer  
17 from a trauma is not <enough> reason for us not to call that  
18 person. We need to know a <little> more than what you've just  
19 told us.

20 [15.05.25]

21 MR. PICH ANG:

22 Your Honour, in fact, her civil party lawyer as well as the we,  
23 the Lead Co-Lawyers for civil parties, made several arrangements  
24 to meet with all the civil parties, including this specific civil  
25 party, and actually refer them to TPO if they wish to. In last

1 October, her civil party lawyer actually met her twice to discuss  
2 about her intention to testify before the Chamber. The civil  
3 party still insists not to testify before Your Honours. So, for  
4 that reason, she is already familiar with the support that can be  
5 provided by TPO, since the arrangement has been made. However,  
6 the latest information that we received from her is that she  
7 still wishes not to testify before the Chamber.

8 [15.06.49]

9 JUDGE LAVERGNE:

10 Very well. I do understand that, but I still haven't understood  
11 whether counsel for that civil party has placed that person in  
12 contact with TPO <or not>. <I understand> you <tried to meet> the  
13 civil party in October, if I understood correctly, or slightly  
14 earlier than that, but <what has happened with that?> It doesn't  
15 suffice to say, "I don't want to come and testify", the more so  
16 as we have a medical certificate stating that that person can  
17 testify. So we are facing a problem here.

18 MS. GUIRAUD:

19 Just some complementary information, Mr. President and Your  
20 Honours. We have received this information, <just as you have,>  
21 today. <Our colleague> Chet Vanly, who is counsel for that civil  
22 party, is not present today. So the information in our possession  
23 is extremely limited, to the extent that our colleague Ang Pich  
24 has tried to reach the civil party by phone during the lunch  
25 break and did not succeed <in contacting> her. Quite obviously,

1 the information we can share with the Chamber this afternoon is  
2 limited. If the request of the Chamber is to make sure that we  
3 establish contact between that civil party and TPO and that we  
4 subsequently present a report to the Chamber regarding the  
5 possibility of the TPO supporting that civil party so that she  
6 can testify, that is something we can do next week <as soon as>  
7 we can discuss this with the counsel for the civil party and then  
8 get into direct contact with the civil party.

9 At this point in time, we have information which is extremely  
10 limited and it is very difficult for us to answer your questions,  
11 Your Honour, even though we do very well understand the merits of  
12 that question.

13 [15.08.49]

14 MR. PRESIDENT:

15 Thank you for your comments and observations. There is also  
16 another matter -- that is in fact a witness, 2-TCW-848, was  
17 scheduled to testify today. However, due to the <mother> of the  
18 witness passed away, the witness was not <able to come> to  
19 testify. <So that is the issue for the schedule for next week.>  
20 And <the Chamber has not informed parties regarding> other two  
21 witnesses that <the Chamber intends> to hear, that is 846 and  
22 1000. Through our rulings <on the Co-Prosecutor's request on 7  
23 December, the Chamber has decided on this matter already>. And  
24 I'd like to hear from <> parties if you can provide further  
25 observations or comments <regarding> these two witnesses. That

1 is, we may schedule to hear them in fact in the first week of  
2 January 2016. However, due to the changes in circumstance, I'd  
3 like to hear from the Deputy Co-Prosecutor <first> if <you are  
4 ready> to hear testimonies of these two witnesses next week, if  
5 there is a possibility to do that and if we cannot locate other  
6 -- or if we cannot schedule other witnesses. Deputy  
7 Co-Prosecutor, can you shed light on that?

8 [15.10.44]

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President. I will try, but I do not think I have  
11 before me the name of 2-TCW-1000, which places me in a difficult  
12 position to answer the second part of your question. As for  
13 2-TCW-846, we do not have any objection to having that witness  
14 appear next week, <even early> on in the week. We have 2-TCW-820,  
15 that person is still on the list <I believe>, and I think that  
16 person is supposed to appear next week and we do not object to  
17 that person's testimony, whatever the case may be. I do not know  
18 whether there's anyone in the courtroom who can give me the name  
19 in writing of 2-TCW-1000. Perhaps the Court officer can do so, so  
20 that I can take stock of the complexity of that person's  
21 testimony.

22 MR. PRESIDENT:

23 Court officer, please take the document from Judge Fenz for the  
24 Deputy Co-Prosecutor.

25 JUDGE FENZ:



1 I've circled (inaudible).

2 [15.12.10]

3 MR. DE WILDE D'ESTMAEL:

4 Since this is a witness who was supposed to appear in January, if  
5 that person is to testify next week, we would request that that  
6 testimony take place rather at the end of the week and <rather  
7 than> the beginning, possibly <after> Wednesday. This will enable  
8 us to prepare ourselves for that person's testimony. I thank you.

9 MR. PRESIDENT:

10 Court officer, please take the paper back. Thank you. And Lead  
11 Co-Lawyers for civil parties, do you have any comments that you  
12 wish to make regarding the intention by the Chamber to hear the  
13 two witnesses that we actually originally scheduled for the first  
14 week of January 2016. However, we intend to hear these two  
15 witnesses next week.

16 [15.13.25]

17 MR. PICH ANG:

18 For the Lead Co-Lawyers for civil parties, we do not have any  
19 objection to these two witnesses.

20 MR. PRESIDENT:

21 And I'd like now to hear comments from the defence teams; first,  
22 the defence team for Nuon Chea.

23 MR. KOPPE:

24 I believe, if I'm not mistaken, that in relation to 2-TCW-1000,  
25 we submitted that he should be heard once the investigation in

1 the other cases is over, that was for all kinds of other reasons,  
2 but also of course for reasons of complexity. So, in that regard,  
3 if he is going to be summoned for next week, we would agree with  
4 the Prosecution that he should not be summoned for Monday, but  
5 rather at the end of the week, and maybe even in such a way that  
6 he -- I don't know if he's scheduled for one day or for two days;  
7 if it's two days, then maybe one day also in January. So these  
8 would be our observations.

9 MR. PRESIDENT:

10 Thank you, Counsel. And now the floor is given to the defence  
11 counsel for Khieu Samphan.

12 [15.14.55]

13 MS. GUISSÉ:

14 Thank you, Mr. President. As regards 2-TCW-846, we have no  
15 problem with that. <Yet, as> for 2-TCW-1000, who is a witness who  
16 has been called to appear following a <-- recent --> 87.4 motion  
17 by the <Co-Prosecutors>, we <will> have problems with preparation  
18 for that testimony. If the Chamber would like to call that  
19 witness to testify, in terms of our preparation <schedule>, <we  
20 will have some trouble on the Defense's end.> We would  
21 <therefore> request that that <if the> witness <must testify> at  
22 the end of the week, that the testimony should continue in  
23 <early> January. Perhaps for purposes of further clarity, let me  
24 point out that we <make every attempt to be> available and to  
25 adapt to the various changes, and we do know the kinds of

1 difficulties that WESU can encounter in terms of scheduling  
2 witnesses in advance. And it is true that there have been many  
3 changes in this segment of the trial, <and given the way we  
4 operate, seeing how we're always the same faces here at this  
5 Chamber, it becomes> very difficult for us to adequately prepare  
6 our defence, particularly for witnesses that we are not familiar  
7 with within the framework of Case 002/02.

8 [15.16.31]

9 So, the decision that that witness appears is very recent, so we  
10 would request the Chamber to take that factor into account.

11 MR. PRESIDENT:

12 Thank you for all your comments and observations made by all the  
13 parties as well as that of Counsel Koppe in hearing testimony of  
14 the witness 2-TCW-1000. Of course, we did not foresee to hear  
15 this witness that soon. <We plan to hear the testimony of this  
16 witness next week,> so that parties would have sufficient time to  
17 prepare to question the witnesses. For that reason, we take this  
18 opportunity this afternoon to hear comments from all the parties.  
19 And of course, the parties will be notified this afternoon by  
20 email on the scheduling and the appearing of witness 2-TCW-1000.  
21 Let me resume our hearing of testimony of <the current> witness.  
22 <Before handing over the floor to Lead Co-Lawyer for civil  
23 parties, I would like to have confirmation from the Deputy  
24 Co-Prosecutor. > From what I heard before the break, the Deputy  
25 Co-Prosecutor <said that they did not have any further> questions

1 to put to this witness. <Please confirm.> <And also, do you, Lead  
2 Co-Lawyer for civil parties, have any questions to put to this  
3 witness?>

4 [15.17.59]

5 MR. PICH ANG:

6 That is correct, Mr. President. We do not have any questions for  
7 this witness.

8 MR. PRESIDENT:

9 And I notice the Deputy Co-Prosecutor is on his feet. You may  
10 proceed.

11 [15.18.17]

12 MR. DE WILDE D'ESTMAEL:

13 Yes, Mr. President. I would like to clarify one matter regarding  
14 the biographies of detainees on <the case file>. <These are  
15 biographies> -- <I believe this was already established in  
16 another case file> -- <which were created> when that person went  
17 into S-21 and it <consist of> a standard <format> <authenticated>  
18 by <Kaing Guek Eav, alias> Duch and Sous Thy. Furthermore, the  
19 name of the witness's brother is on the amended list from S-21  
20 provided by the Office of Co-Prosecutors and is document E3/342,  
21 and the number is 5575. We can provide further information  
22 subsequently if you do deem it necessary.

23 MR. PRESIDENT:

24 Thank you for the information. And I'd like now to hand the floor  
25 first to the defence team for Nuon Chea to put questions to this

1 witness. You may proceed, Counsel.

2 [15.19.27]

3 QUESTIONING BY MR. KOPPE:

4 Thank you, Mr. President. Good afternoon, Madam Witness. I would  
5 like to ask you a few questions. Just before the break, you were  
6 asked a question about someone with the name Sophal, the district  
7 chief of the district that you were living in. Now, I realize  
8 that you don't know him very well. But I would like to read an  
9 excerpt from a witness to you, a witness who lived in the same  
10 district, same commune, but a different village. And then I would  
11 like to ask your reaction in relation to Ta Sophal. President,  
12 this is E3/7816, Khmer page ERN 00277274; French 0033987475;  
13 English 00292839. This witness says the following: "In 1976, the  
14 men in my village, including my siblings and my father, were  
15 arrested by the district soldiers because the villagers had  
16 joined with the Khmer Sar, the White Khmer. The Khmer Sar were  
17 led by Sophal, the secretary of Romeas Haek district, Svay Rieng  
18 province. For this reason, the district secretary's group were  
19 arrested."

20 Have you ever heard Ta Sophal being linked or connected to  
21 something called the "Khmer Sar"?

22 MS. UNG SAM EAN:

23 A. No, I did not know anything about this. I never heard about  
24 the Khmer Sar.

25 [15.21.59]

1 Q. Very well. Thank you, Madam Witness. Another question that I  
2 have is in relation to certain things you said in your DC-Cam  
3 statement. When you were living in your village, do you recall  
4 hearing bombs and grenades, the sound of bombs and grenades fired  
5 from the border, fired by the Vietnamese army?

6 MR. DE WILDE D'ESTMAEL:

7 Mr. President, perhaps the question would be a lot clearer if we  
8 can talk of the period. Because, are we talking of the conflict  
9 between <Democratic> Kampuchea and Vietnam? Are we talking of the  
10 previous period? That matter is not clear and could be  
11 misleading.

12 [15.23.14]

13 BY MR. KOPPE:

14 I wasn't yet referring to any specific period. But I'm happy to  
15 broaden the question so that all periods relevant to this case  
16 are included.

17 Q. Madam Witness, do you ever recall, between 1970 and 1979, the  
18 sound of shelling, sounds of grenades being fired by the  
19 Vietnamese army into Cambodian territory?

20 MS. UNG SAM EAN:

21 A. Yes, I heard.

22 Q. Do you recall which years or which year you heard that?

23 A. I cannot recall the year. I heard the bombardment or the  
24 shelling by the "Yuon", but I did not know of the year.

25 Q. Do you know whether it was before or after the Khmer Rouge

1 took over?

2 A. It was before that. The bombardment and the shelling took  
3 place before that.

4 Q. Have you also heard bombs and grenade and shelling in the  
5 period that your brother was possibly sent to Kampong Chhnang  
6 airfield? Did you hear the sounds of war in '78?

7 A. Yes, I did.

8 [15.25.33]

9 Q. And would you be able to describe what you heard, how long it  
10 took, where did it come from? Could you give us a little -- give  
11 us some details as to what you heard in 1978?

12 A. I heard the shelling and the bombardment from the east  
13 direction, coming from the "Yuon" side. However, I did not know  
14 anything else.

15 Q. How were you able to determine that the shelling was coming  
16 from the direction from Vietnam into the East Zone, into  
17 Cambodia? How did you know? How were you able to determine this?

18 A. Because I heard it coming from that direction, that is, from  
19 the eastern direction. And I did not know whether they were that  
20 of the Vietnamese.

21 Q. Do you remember how long the shelling from the "Yuon" went on?  
22 How long did you hear the sounds of grenades exploding, bombs  
23 exploding?

24 [15.27.23]

25 A. It lasted several months. People had to flee.

1 Q. Do you remember whether many people were forced to flee from  
2 your village or from other villages in your commune or district?

3 A. There were many people who were fleeing from the shelling and  
4 the area of bombardment. Actually, we went to the western side of  
5 the <stream>.

6 Q. Do you remember once running away from your work in the mobile  
7 unit where you were harvesting rice, running away from the  
8 shelling of the "Yuon"? Do you recall that moment or those  
9 moments?

10 A. No, I don't really recall that. I cannot tell you which month  
11 or year it happened. Actually, at that time, we were harvesting  
12 rice near the Eastern <border>.

13 Q. Let me read a small excerpt from what you told DC-Cam,  
14 E3/7545, English ERN 00336493; Khmer 00089205.

15 MR. PRESIDENT:

16 Counsel Victor Koppe, please repeat your question. Please repeat  
17 your ERN number.

18 [15.29.35]

19 BY MR. KOPPE:

20 Yes, of course. The Khmer ERN is in document E3/7545, 00089205;  
21 French 00775800; and English 00336493.

22 You were talking about your work, Madam Witness, and you said, "I  
23 was in the mobile unit and worked on rice fields harvesting rice,  
24 and my husband did a different job. I remembered I ran away when  
25 "Yuon" bombed." Do you remember once running away when the "Yuon"



1 bombed?

2 MS. UNG SAM EAN:

3 A. Yes, I remember. I fled from the east to the west. Because the  
4 bomb came from the direction of the east, so we fled to the west  
5 <to my native village>.

6 [15.30.53]

7 Q. And was it only you who ran away or did everyone from the  
8 mobile unit run away from the bombing?

9 A. Yes, everyone of us. Everyone fled from the bomb. It's the  
10 bombardment from the "Yuon" and the shelling.

11 Q. That day that you and all the other workers ran away from the  
12 bombs, do you remember if anyone got injured or killed, anyone  
13 from the mobile unit?

14 A. There was no one injured. Everyone survived.

15 [15.31.56]

16 Q. How long were you away from your work? How long did your  
17 escape last? When did you return again to work, was it a long  
18 time or a short time?

19 A. After we spent two or three days, and then we returned to  
20 harvest.

21 Q. When you and the other workers ran away from the "Yuon" bombs,  
22 was your brother involved in the battle with the Vietnamese  
23 troops or wasn't he? Was he already sent to Kampong Chhnang  
24 airfield? Can you recall?

25 A. I did not know because we were at different locations.

1 [15.33.30]

2 Q. Do you remember seeing troops from Cambodia, Cambodian troops,  
3 troops from Democratic Kampuchea shooting back to Vietnam,  
4 shooting back grenades or using artillery to retaliate?

5 A. I did not see it. I did not know where the Khmer side located  
6 their artillery. I saw only the bomb coming from the direction of  
7 the east.

8 Q. One witness who testified earlier, was not from Svay Rieng but  
9 from Prey Veng, spoke about the time of So Phim, the affairs with  
10 So Phim or the matter of So Phim. Does the name So Phim mean  
11 anything to you?

12 A. I did not know. I had never heard of his name.

13 Q. I might have asked this question already in another way, but  
14 just to be sure: have you ever heard of civilians being injured  
15 by the bombing, not only in your mobile unit but people within  
16 the whole province, people that you knew? Have you ever heard of  
17 civilian casualties as a result of the Vietnamese bombing?

18 [15.35.51]

19 A. Yes, there were some casualties, one or two each time.

20 Q. Did you know these people?

21 A. I did not know them. Because we were in different units, so I  
22 did not know them.

23 Q. Thank you, Madam Witness. I'll move on to the next question.  
24 There's something that you told the investigator of DC-Cam and I  
25 would like to ask some clarification because I'm not entirely

1 sure if I understand what you said. E3/7545, Mr. President; Khmer  
2 ERN 00089216; English 00336499; and French 00775810. The question  
3 is about whether there were any Vietnamese people in the village.  
4 And then you say: "No. But in '70, they, men and women, stayed  
5 here for about two to three days. And then they proceeded to  
6 another place. But in '70, they stayed here."

7 Did you refer to 1970 when you gave that answer?

8 A. In 1970, Vietnamese people <both males and females> came to  
9 spend one or two days in the village, and then they left. And I  
10 had no idea where they went to.

11 [15.38.06]

12 Q. And where did these Vietnamese people come from? From which  
13 part of the country?

14 A. I saw them coming from the direction of the east.

15 Q. Were they coming from Vietnam or were they coming from within  
16 Cambodia to your village?

17 A. I had no idea. I only saw them coming, but I did not know  
18 where they came from.

19 Q. Have you heard anything ever about the treatment of Vietnamese  
20 people after the coup d'état of Lon Nol and in the subsequent  
21 years before 1975? Have you ever heard how Vietnamese people were  
22 treated between 1970 and 1975?

23 A. I did not know. I cannot answer this because I don't know.

24 Q. That's no problem, Madam Witness. I have a few other questions  
25 that I would like to put to you. And that is, I understand from

1 your testimony that you were working in the rice fields and maybe  
2 also working at the dam, or at least that your husband worked at  
3 the dam; is that correct?

4 [15.40.13]

5 A. Yes, that's correct. We were assigned to do it. So both  
6 children and adults had to do it.

7 Q. And do you recall when you were assigned to work at the dam in  
8 your district?

9 A. I could not recall the year. It was the -- the dam was to the  
10 east of my house and I worked so hard over there.

11 Q. Do you remember how long you worked at that dam?

12 A. I spent about a year there. And when I became sick and then  
13 they let me return.

14 Q. And was your husband also working at that dam together with  
15 you?

16 A. He did not go there with me. My husband was assigned to a  
17 different place to the east of Svay Rieng province. <And I was  
18 assigned to work in the village area to the east of my house.>

19 Q. Before DC-Cam you gave a testimony in relation to working  
20 times. Do you recall what in general the working times were in  
21 your district? Until when -- from when till when did people have  
22 to work in your district?

23 [15.42.31]

24 A. From 7.00 until 11.00. And then we had a break. And during the  
25 break, we had a meeting, and then we had lunch and a short rest,

1 and then we had to go back to work.

2 Q. And from when till when after the lunch break did you work?

3 A. From 1.00 to 5 p.m.

4 Q. And did you ever work at night?

5 A. No, I did not work at night. Because I was rather old, so they  
6 did not let me work at night.

7 Q. Were you at the time, after '75, considered to be a so-called  
8 Base person or a New person?

9 A. I was a Base People because I remained at my village. I was  
10 not new. I was part of the so-called Base People.

11 [15.44.25]

12 Q. Were there any New People either in your village or in the  
13 mobile unit that you were working in?

14 A. Yes, there were. There were New People who were evicted from  
15 Phnom Penh and they joined our units. So Base People and New  
16 People worked together.

17 Q. And did the Base People and the New People have to work the  
18 same amount of hours per day, the same hours that you just  
19 described? So both Base People and New People had to work from  
20 7.00 till 11.00 and from 1.00 till 5.00?

21 A. Yes, it was the same amount of time, from 7.00 to 11.00, and  
22 then again from 1.00 to 5 p.m.

23 Q. So in your district, meaning your village or within your  
24 mobile unit, no distinction was made between Base People and New  
25 People when it would come to the amount of hours to work,

1 correct?

2 A. <No>. There was no distinction between Base People and the New  
3 People when it come to the amount of hours of working.

4 Q. How about the food rations, in your village or in your mobile  
5 unit, did New People and Base People get the same amount of food?

6 [15.46.36]

7 A. Yes, we received the <same> amount food ration <for> each of  
8 us regardless of New or old or Base People, we received one bowl.

9 Q. And how about if a New person or a Base person would get sick?  
10 Would a New person get the same kind of medicine as a Base person  
11 would receive?

12 A. Yes, they received the same treatment. They spent time in the  
13 hospital.

14 Q. Am I correct when I say that in your village and in your  
15 mobile unit, there was no difference in treatment between the New  
16 People and the Base People?

17 MR. PRESIDENT:

18 Witness, please hold on. Please the floor now is given to  
19 international Deputy Co-Prosecutor.

20 [15.48.00]

21 MR. DE WILDE D'ESTMAEL:

22 I think that here -- well, this is an objection in fact, yes.

23 There is a conclusion that is drawn arbitrarily. The question was  
24 only focussed on medical care, quantities of work <and rations>.

25 I don't know if we can derive <anything> about treatment <from

1 that>. <I am not sure that the witness will understand exactly  
2 what counsel Koppe intends to say.> So I believe that counsel  
3 Koppe is trying to have the witness say something that he has in  
4 his mind. But there are other ways of treating people <besides>  
5 than <based on rations,> quantities of work <or> medical care;  
6 for example, the question of security, etc. So I don't know if  
7 this question maybe could be rephrased so that we do not draw a  
8 <general> conclusion on the basis of elements that have not yet  
9 been obtained from the witness. Or maybe you could rephrase the  
10 question in such a way that the witness understands exactly what  
11 the point of the question is.

12 BY MR. KOPPE:

13 I thought I had selected -- it seems to be the three most  
14 important subjects when it comes to treatment of people. But I'm  
15 happy to reformulate.

16 Q. Madam Witness, have you ever noticed any difference in  
17 treatment, either in your village or in your mobile unit, between  
18 New People and Base People? Or was everybody treated the same?

19 [15.49.49]

20 MS. UNG SAM EAN:

21 A. There was no different treatment. Both old and new received  
22 the same treatment.

23 Q. Did I hear you correctly this morning when you said that all  
24 villagers, all members of the mobile unit in your district were  
25 wearing the same black clothes?

1 A. Yes, that's correct. Because we were given only black clothes,  
2 <or> khaki clothes <>.

3 Q. Do you remember when you got that set of black clothes, you  
4 and the other villagers and the mobile unit? Was it from the very  
5 beginning up until the very end?

6 A. From the beginning, they gave us only the black clothes. They  
7 did not give us any good clothes. And we could not buy clothes  
8 anywhere because markets were closed and there were no money  
9 circulation at that time.

10 [15.51.33]

11 Q. Do you remember what year it was that you -- when the  
12 cooperative was established and when the people in your village,  
13 in your mobile unit, started to eat communally? Do you remember  
14 when that was introduced, the eating communally and the  
15 cooperative?

16 A. I could not recall the year when it happened. I did not think  
17 about that because I was just an ordinary people. I did only what  
18 I was assigned to do.

19 Q. I understand, Madam Witness. Let me help you a little bit. In  
20 the very first answer of your WRI E3/7796, you say, "In 1976,  
21 there was a cooperative and the people ate communally and slept  
22 in their respective houses as usual."

23 So is it correct that in your district, people started eating  
24 communally in '76?

25 A. Yes. It was as what's written there. It was probably in that



1 year.

2 Q. And do you recall whether the communal eating lasted until the  
3 very end, until beginning of '79?

4 [15.53.45]

5 A. Yes, from that year until 1979, until the liberation that we  
6 started to eat at our own home.

7 Q. Earlier this afternoon, Madam Witness, you were asked the  
8 question about Buddha statues. You spoke about the word  
9 "destroyed". Have you actually seen forces or military or anybody  
10 physically destroy these statues? Have you seen the event that  
11 these statues were destroyed? Or is it something that you've  
12 heard or concluded?

13 A. I witnessed the destruction of the statue, but I did not know  
14 who committed it. So I had no idea who committed it. I saw only  
15 after it was destroyed.

16 Q. Did I hear correctly that you said in Khmer when you used the  
17 word "destroyed", "komtech", you used the Khmer word "komtech" to  
18 describe the destruction of the Buddha statues?

19 A. Yes, it is as I have said.

20 [15.55.40]

21 Q. My very last question, and I'm returning now to the war with  
22 the Vietnamese. I asked you about whether you knew any victims of  
23 the war. What happened to your younger brother-in-law, Has Phuon?

24 A. He went to the eastern border. And I had no clear idea whether  
25 he was shot or he was injured by a shell. I saw he was carried

1 back.

2 Q. You saw he was carried in a bag because he was killed in  
3 combat?

4 JUDGE FENZ:

5 I think there might be a translation issue actually. I thought I  
6 understood it too. Apparently, and that's just to clarify it, she  
7 said he was carried back, not in a bag; is that correct? You said  
8 he was carried back. That's what I understand from the  
9 interpreter has been said.

10 BY MR. KOPPE:

11 Then obviously I will withdraw my question. Did you say, Madam  
12 Witness, that he was carried back? What did you mean when you  
13 said that?

14 [15.57.41]

15 MS. UNG SAM EAN:

16 A. He was carried in a hammock and then put him onto a truck. And  
17 I had no idea where he was buried. I requested for his dead body  
18 to be buried at Chantrei pagoda, but they refused. <I came to the  
19 south of the bridge to make that request.>

20 Q. In your statement, you said that he was a Svay Rieng province  
21 soldier. Have you heard from his comrades how he was killed, what  
22 happened exactly? Have you ever heard the story about your  
23 brother-in-law?

24 A. There were no any soldiers returning. So there was no one I  
25 could ask.

1 Q. Are you saying that they were all killed in the fighting with  
2 the Vietnamese, all the comrades of your brother-in-law?

3 [15.59.05]

4 A. Not all of them died, but they were sent to somewhere else.  
5 <They were from Kraham Ka village, most of them were soldiers.>  
6 But I saw no one among them returned home. I saw only the dead  
7 body of my brother-in-law who were carried back.

8 MR. PRESIDENT:

9 <Thank you-please go ahead.>

10 BY MR. KOPPE:

11 Q. One very last question, Mr. President, I'm also done.  
12 Is it correct that your younger brother-in-law, Has Phuon, was  
13 killed in mid-1978?

14 A. Yes, he died in that year.

15 MR. KOPPE:

16 Thank you, Madam Witness. Thank you, Mr. President. I'm done.

17 MR. PRESIDENT:

18 Yes, please Defence Counsel, you have the floor.

19 MS. GUISSÉ:

20 Yes, Mr. President. I just want to inform the Chamber that I have  
21 no questions for the witness. So I think it's good that you get  
22 this information right now.

23 [16.00.35]

24 MR. PRESIDENT:

25 And Counsel Koppe, you also concluded your questioning, is that

1 correct?

2 The hearing of testimony of Ung Sam Ean is now concluded. And the  
3 Chamber is grateful of your testimony, Madam Ung Sam Ean, as a  
4 witness today. And your testimony may contribute to ascertaining  
5 the truth in this case. You're now excused and you may return to  
6 your home or wherever you wish to go to and the Chamber wishes  
7 you all the very best.

8 Court officer, please collaborate with WESU to make  
9 transportation arrangements for witness Ung Sam Ean to return to  
10 her home or wherever she wishes to go to.

11 And the hearing today is adjourned. And we will resume the  
12 proceeding on Monday, 14 December 2015, commencing from 9 o'clock  
13 in the morning. And for the Monday's proceedings, the Chamber  
14 hear testimony of a witness, that is 2-TCW-820.

15 Security personnel, you are instructed to take both Accused, Nuon  
16 Chea and Khieu Samphan, back to the detention facility, and have  
17 them return to attend the proceedings on Monday, 14 December  
18 2015, before 9 o'clock.

19 The Court is now adjourned.

20 (Court adjourns at 1602H)

21

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25