



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

6 January 2016
Trial Day 352

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 20-Apr-2017, 12:35
CMS/CFO: Sann Rada

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
SON Arun
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Robynne CROFT

Lawyers for the Civil Parties:
CHET Vanly
Marie GUIRAUD
LOR Chunthy
PICH Ang
TY Srinna
VEN Pov

For the Office of the Co-Prosecutors:
Joseph Andrew BOYLE
Vincent DE WILDE D'ESTMAEL
Nicholas KOUMJIAN
SENG Leang
SREA Rattanak

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

Mr. THANG Phal (2-TCW-848)

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List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|----------------------------|----------|
| Mr. BOYLE | English |
| Mr. DE WILDE D'ESTMAEL | French |
| Judge FENZ | English |
| The GREFFIER | Khmer |
| Ms. GUIRAUD | French |
| Mr. KONG Sam Onn | Khmer |
| Mr. KOPPE | English |
| Judge LAVERGNE | French |
| The President (NIL Nonn) | Khmer |
| Mr. PICH Ang | Khmer |
| Mr. SENG Leang | Khmer |
| Mr. SOS Romly (2-TCW-904) | Khmer |
| Mr. SREA Rattanak | Khmer |
| Mr. THANG Phal (2-TCW-848) | Khmer |

1

1 P R O C E E D I N G S

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

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

6 Thang Phal, and we also have a reserve witness, 2-TCW-904.

7 However, before we continue to hear testimony of Thang Phal, we

8 will hear oral submissions to the request by the defence team for

9 Nuon Chea and the Co-Prosecutors for the Trial Chambers to hear

10 additional witnesses and to accept WRIs, pursuant to Rule 87.3

11 and <87.4> of the ECCC Internal Rules on the treatment of

12 Vietnamese. That is document E380, E381 and E382.

13 In addition, the Chamber also wishes to hear reports from the

14 Lead Co-Lawyers for civil parties concerning the circumstance of

15 two civil parties, that is, 2-TCCP-844 and 2-TCCP-869 as the Lead

16 Co-Lawyers request to provide an update to the Chamber.

17 Ms. Chea Sivhoang, please report the attendance of the parties

18 and other individuals to today's proceedings.

19 [09.06.19]

20 THE GREFFIER:

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

22 are present except Ms. Anta Guisse, the International Counsel for

23 Khieu Samphan, and Mr. Calvin Saunders, the duty counsel --

24 stand-by counsel for Khieu Samphan, for personal reasons.

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

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1 waived his right to be present in the courtroom. The waiver has
2 been delivered to the greffier.

3 The witness who is to conclude his testimony today -- that is,
4 Mr. Thang Phal, is ready to be called by the Chamber. We also
5 have a reserve witness today -- that is, 2-TCW-904.

6 Thank you.

7 MR. PRESIDENT:

8 Thank you, Ms. Chea Sivhoang.

9 The Chamber now decides on the request by Nuon Chea.

10 The Chamber has received a waiver from Nuon Chea dated 6 January
11 2016, which states that, due to his health, headache, back pain,
12 he cannot sit or concentration for long. And in order to
13 effectively participate in future hearings, he requests to waive
14 his right to participate in and be present at the 6 January 2016
15 hearing.

16 [09.07.48]

17 Having seen the medical report of Nuon Chea by the duty doctor
18 for the accused at ECCC, dated 6 January 2016, which notes that
19 Nuon Chea has back pain when he sits for long and recommends that
20 the Chamber grant him his request so that he can follow the
21 proceedings remotely from the holding cell downstairs, based on
22 the above information and pursuant to Rule 81.5 of ECCC Internal
23 Rules, the Chamber grants Nuon Chea his request to follow today's
24 proceedings remotely from the holding cell downstairs via
25 audio-visual means.

3

1 The Chamber instructs the AV Unit personnel to link the
2 proceedings to the room downstairs so that Nuon Chea can follow.

3 This applies to the whole day.

4 [09.08.54]

5 Now the Chamber wishes to <first> hear oral submissions from
6 Parties concerning the three requests from the defence team for
7 Nuon Chea and the Co-Prosecutors to hear additional witnesses and
8 to admit WRIs. And after that, we will hear the -- an update
9 concerning the circumstance of the two civil parties by the Lead
10 Co-Lawyers for civil parties.

11 We would like now to hear the oral submissions from the Parties
12 concerning the request by Nuon Chea's Defence pursuant to Rule
13 87.3 and 87.4, as well as to admit additional WRIs as well as the
14 request by the Co-Prosecutors. The three documents are E380, E381
15 and E382. And the submissions were filed separately. The
16 Co-Prosecutor's filings concerning the request to hear additional
17 witnesses and new witnesses concerning the proceedings in hearing
18 of 002/02 on the treatment of the Vietnamese.

19 For the three requests, the <Chamber's> senior legal officers
20 actually emailed the Parties on the 23rd December 2015, that the
21 Chamber will hear <oral> submissions from the Parties <concerning
22 the three requests> and, in fact, we scheduled to hear the oral
23 submissions yesterday. However, it was deferred to today due to
24 the request by the International Counsel for Khieu Samphan on the
25 4th January 2016, and we granted that request.

4

1 [09.11.08]

2 So now let me visit the request by the defence team for Nuon
3 Chea, that is, document E380. And the Chamber wishes to give the
4 floor first to the Co-Prosecutors to make their oral submissions
5 regarding this request.

6 You may proceed.

7 MR. DE WILDE D'ESTMAEL:

8 <Thank you and good morning, Mr. President, Your Honours.> As
9 regards the motion filed by the Nuon Chea Defence, we will
10 <actually> be very brief.

11 We <> have <no objection> to the admission of the records of
12 <interview of> the three witnesses that the Defence would like to
13 have <examined, well,> admitted into evidence<. And,> regarding
14 <the hearings, the> witnesses who are now proposed by the
15 Defence<, we therefore> have no objection <> as regards the first
16 two, <2-TCW-428> and <2-TCW-823>. And, as for the last, as a
17 matter of fact, <I will return to that, but> we support the
18 application by the Nuon Chea defence. We, ourselves, have raised
19 certain arguments regarding the third <proposed> witness,
20 2-TCW-1010, in order that that witness may be heard in relation
21 to crimes concerning Vietnamese which were committed in Kampong
22 Som.

23 [09.12.49]

24 For us, that person is <> important because that person
25 establishes the link <between these> crimes committed <against

5

1 Vietnamese> at Kampong Som and S-21. It is important <for us>,
2 both with regard to the crime of genocide and the proof of
3 <genocidal> intent vis-à-vis the Vietnamese, but also as regards
4 war crimes that are attributed to the Accused at S-21, <as
5 concerns> Vietnamese who were arrested at the border.

6 That is all I have to say for now. We have no objection to that
7 application. <On> the contrary, we endorse <this> application,
8 particularly with regard to the third witness who is being
9 proposed.

10 Thank you.

11 [09.13.45]

12 MR. PRESIDENT:

13 And the floor is now given to the Lead Co-Lawyers for civil
14 parties if you wish to respond to the request by the defence team
15 for Nuon Chea.

16 MS. GUIRAUD:

17 Thank you, Mr. President. Good morning, everyone. We will rely on
18 the Chamber's discretion regarding the Nuon Chea Defence
19 application.

20 MR. PRESIDENT:

21 Thank you.

22 And lastly on this request, the floor is given to the defence
23 team for Khieu Samphan if you wish to make a response or
24 observation on the request by the defence team for Nuon Chea.

25 [09.14.32]

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1 MR. KONG SAM ONN:

2 Thank you, Mr. President.

3 I would like to make a combined response to the request by the
4 defence team for Nuon Chea and those requests by the
5 Co-Prosecutors. Thank you.

6 MR. PRESIDENT:

7 The Chamber has noted your request, and yes, the floor will be
8 given to you later on.

9 Now we would like to put the two requests by the Co-Prosecutors
10 for the Parties' observation or response if you wish to do so in
11 regards to document E381 and E382.

12 And first the floor is given to the Lead Co-Lawyers for civil
13 parties if you wish to respond or to make observations regarding
14 the two requests <by the Co-Prosecutors>.

15 MS. GUIRAUD:

16 Thank you, Mr. President. As usual, we will rely on the Chamber's
17 discretion <as regards> the Co-Prosecutors' motion <-- two
18 motions, and we> would like to inform the Chamber that we
19 personally met <2-TCCP-245, who> is a civil party included in <>
20 motion E381, and <that> that person is in good health and is
21 ready to appear before this Chamber to testify if this Chamber is
22 of the view that that person's testimony is relevant to the
23 manifestation of the truth. That is, <2-TCCP-245>.

24 [09.16.27]

25 MR. PRESIDENT:

7

1 Thank you.

2 And the Chamber would like now to give the floor to the defence
3 team for Nuon Chea to respond to the request -- the two requests
4 by the Co-Prosecutors if you wish to do so.

5 MR. KOPPE:

6 Thank you, Mr. President. We have no observations or submissions
7 to make.

8 MR. PRESIDENT:

9 Thank you.

10 And now the floor is given to the National Counsel for Khieu
11 Samphan.

12 [09.17.08]

13 MR. KONG SAM ONN:

14 Thank you, Mr. President. Again, good morning, Your Honours, and
15 good morning, everyone in and around the courtroom. I'd like now
16 to respond to the three requests, that is, one request by the
17 defence team for Nuon Chea and two other requests by the
18 Co-Prosecutors.

19 For us, the defence team for Khieu Samphan, we would like to make
20 the following response.

21 On the last hearing day of 2015, that is, the 16 of December, we
22 almost concluded the proceedings on the hearing of the treatment
23 against the Vietnamese, and we actually needed to hear only one
24 additional witness, that is, 2-TCW-848. And we had problems with
25 two other witnesses concerning their health conditions, that is,

8

1 2-TCW-844 and another witness who declined to appear, that is,
2 civil party 2-TCCP-869.

3 [09.18.31]

4 And today, the day that we actually continued the last hearing
5 day from 2015 and for that reason we would like to respond to the
6 request by the defence team for Nuon Chea and those of the
7 Co-Prosecutors to hear about 10 additional witnesses on the
8 segment of the treatment of the Vietnamese. The Co-Prosecutors'
9 request additional eight witnesses and, amongst those, one was
10 the same witness that was requested by the defence team for Nuon
11 Chea.

12 They actually requested to hear twice the number of witnesses
13 concerning the treatment of the Vietnamese segment. And that was
14 for September 2015 as, at that time, the Chamber intended to hear
15 only 11 witnesses on this segment and, so far, we have heard 10
16 witnesses and there is <a plan> to hear additional five
17 witnesses. This is based on the email communicated from the Trial
18 Chamber on the 24th December 2015.

19 We object the request for the following reasons.

20 In our general objection is that these requests intend to fill in
21 the lacunae by the Co-Prosecutors and to delay the proceedings.

22 If the Chamber grants the request, that would be the case.

23 [09.20.43]

24 It is noted that there are two kinds of requests. One is the
25 request for witnesses who have already heard, and the second

1 request is to -- for new witnesses from Case 003, and also their
2 request for additional witnesses for 2-TCW-1000.

3 Allow me to touch upon the request to hear the existing witnesses
4 pursuant to the request E381.

5 In their submission E381, the Co-Prosecutor's request the Trial
6 Chamber to hear witnesses which have already been requested by
7 them. However, they were rejected by the Trial Chamber.

8 And the Co-Prosecutors again request to request three additional
9 witnesses from Prey Veng, two from Svay Rieng, and one concerning
10 the national policy of the regime.

11 This is a repetitive request for the witnesses for that reason it
12 is not that necessary and the hearing of testimonies of those
13 witnesses actually delayed the proceedings in this case. And for
14 that reason, we object to this request, and that is in pursuant
15 to Rule 87.3<(a) and (e)>.

16 [09.22.25]

17 Now I'd like to give some details on the request to hear
18 witnesses from Prey Veng. We actually heard a witness from Prey
19 Veng province, that is, 2-TCW-886, Sao Sak, and another witness
20 who has also testified in this Chamber, that is, 2-TCW-848, and
21 two additional witnesses on this segment awaits an update from
22 WESU. Here I refer to 2-TCW-848, and another civil party,
23 2-TCCP-869.

24 The witnesses to be called to testify on this segment and who
25 passed away have been replaced by other witnesses per decision by

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1 the Trial Chamber ruling on 20 October 2015.

2 And for those witnesses from Prey Veng province, in September
3 2015, the Trial Chamber decided not to hear witnesses from this
4 province. And at that juncture, the <Co-Prosecutors> failed to
5 raise this issue.

6 And on the 6 November 2015, that is, the day the Trial Chamber
7 announced that they intended to hear three witnesses, two of whom
8 were from Prey Veng. However, they were under the health
9 assessment and, for that reason, the Trial Chamber decided to
10 hear two witnesses from Svay Rieng province. And those witnesses
11 were heard in December, that is, 2-TCW-805 and 2-TCW-820. And
12 because these two witnesses did not give testimonies to the
13 expectation of the Co-Prosecutors, they submitted another
14 request. And this is highlighted in paragraph 11 of their
15 submission.

16 [09.25.20]

17 And the hearing of the two -- of the testimonies of witnesses
18 should not be delayed. We cannot keep hearing testimonies of
19 witnesses without having a stop to it until such time that the
20 Co-Prosecutors <get> what they want. We cannot do that.

21 And in relation to the national policy, so far, testimonies from
22 witnesses have been questioned on the national policy of the
23 regime, and that is also mentioned in <paragraph 7 of> the
24 submission by the Co-Prosecutor's request, that is, document
25 E381, concerning the testimonies of witnesses from Prey Veng and

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1 Svay Rieng, and three witnesses from Siem Reap, two from Kampong
2 Chhnang, one from Kampong Som and another one from <Battambang>.
3 Two other witnesses also testified <regarding facts occurred in
4 other places>, and they came from Prey Veng and Svay Rieng,
5 namely, 2 -- rather, they are civil parties, 2-TCCP-234 and
6 Witness 2-TCW-1007. This is pursuant to an email from the Trial
7 Chamber dated 24 <December 2015>.

8 [09.27.09]

9 The Trial Chamber actually granted the request by the
10 International Co-Prosecutors, pursuant to Rule <87.4, to hear a
11 soldier witness from Case 003> on the national policy in relation
12 to <> witness 2-TCW-1000, whose testimony has just concluded. For
13 that reason, after the decision made by the Trial Chamber, the
14 International Co-Prosecutor and Mr. Nuon Chea made their
15 <separate requests>. And that led to the floor being given to the
16 parties today to make the response.

17 Concerning the two new witnesses from Case 003 and which have
18 been requests concerning witness 2-TCW-1000, that is, <pursuant
19 to the International Co-Prosecutor' request>, document E382 and
20 <that of Nuon Chea, document> E380, it shall be reminded that on
21 the 11 November 2015, the International Co-Prosecutor <requested>
22 the admissions of 95 documents and to hear four witnesses from
23 Case 003 and 004, that is, document E319/36.

24 [09.28.41]

25 Amongst the four witnesses, one spoke about the treatment of the

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1 Vietnamese from Case 003 and another witness, that is,
2 2-TCW-1000, who was a former soldier from Division 164.
3 The request by the International Co-Prosecutor based on the
4 following grounds. Here I refer to paragraph 11 of document
5 E319/36. The testimonies of these witnesses -- rather, "the
6 testimony of this witness, who is a former cadre of Division 164
7 from a Navy <Regiment> 140, is of utmost importance, in
8 particular as it is related to the orders to arrest and to
9 execute the Vietnamese who were captured at sea and the general
10 policies of the Democratic Kampuchea against the Vietnamese." End
11 of quote.

12 On the 7 December 2015, despite our strong objection, the Trial
13 Chamber decided to hear this witness, and the grounds for that
14 decision was provided very brief. And here, I refer to an extract
15 from document -- from the trial transcript, that is, <E1/363.1,>
16 at 13.38.

17 "The Trial Chamber is of the view that the evidence concerning
18 the treatment of the Vietnamese did not exist before the
19 proceedings in this segment of the trial."

20 [09.30.52]

21 And the witness was then summoned by the Trial Chamber to
22 testify. And from that on flows the request from other parties
23 coming from Case 003 and relies their request based on Rule 87.4
24 of the ECCC Internal Rules.

25 And their request concerns witnesses from former Division 164 and

13

1 the arrest of the Vietnamese at sea.

2 We had to force ourselves to request for the WRI's inclusion from
3 Case 003 to hear Witness 1000, and Nuon Chea <requested>
4 additional three witnesses and additional WRIs from Case 003 in
5 order to attempt to maintain the quality of arms against the
6 decision by the Trial Chamber in hearing testimony of 2-TCW-1000.
7 And here, I refer to paragraph 4 of document E380.

8 [09.32.11]

9 The International Co-Prosecutor also requested to hear two
10 witnesses, one of whom was jointly requested by the Nuon Chea's
11 Defence. And also to -- they requested to admit two WRIs from
12 Case 003, that is, document E382, in order to reinforce the
13 testimony of 2-TCW-1000.

14 Upon deciding to hear testimony of 2-TCW-1000, the Trial Chamber
15 seemed to open a can of worms because those -- this evidence was
16 -- did not exist before the proceedings in this segment. However,
17 it's because of the acceptance of this new evidence which has
18 been gathered within the scope of the investigation of Case 003,
19 whereas in Case 002, the Co-Investigating Judges failed to
20 investigate those facts, that is, those facts concerning Division
21 164 and the arrest of the Vietnamese at sea.

22 These facts were not included in the introductory submission by
23 the Co-Prosecutors or in their supplementary submission. This is
24 a major issue pursuant to the spirit of Internal Rule 87.3,
25 paragraph (a), as well as the right of the accused, that is, the

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1 right to receive information concerning the charges as well as
2 the adequate time and facilities to prepare their defence.

3 The Trial Chamber cannot grant every request and proceed with all
4 those requests in the trial under the pretext of the policy
5 against the Vietnamese.

6 [09.34.53]

7 The question is that, was there sufficient element of crimes
8 constituted this fact in Case 002<?> Why should the defence team
9 respond to these facts concerning Division 164 and the arrest of
10 the Vietnamese at sea in 2016, when the <Co-Investigating Judges>
11 did not investigate these facts in Case 002<?> And why the
12 defence team has to do that during the trial proceedings in this
13 segment when the -- while this investigation in the other cases
14 is still ongoing?

15 Today, we, ourself, is in a situation where we concerns the
16 request to admit additional documents from the International
17 Co-Prosecutors <regarding various elements> from Case 003 <and
18 Case 004> where the investigation is ongoing. And of course, the
19 investigation of <Case> 003 or 004 is not part of the scope of
20 this case proceedings. And if the Trial Chamber grants the
21 request by Nuon Chea and the International Co-Prosecutor, it
22 means that we actually commence the hearing of the trial of Meas
23 Muth, who is alleged to be secretary of Division 164, and who is
24 still under investigation by the International Co-Investigating
25 Judge in Case 003.

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1 [09.36.48]

2 We, the defence team for Nuon Chea and Khieu Samphan, are not
3 part of Case 003, although the Co-Prosecutors are, and so far,
4 the Trial Chamber is not seized of any case orders from the
5 latter cases. For that reason, we need to focus on the
6 allegations against Nuon Chea and Khieu Samphan in Case 002 where
7 the Trial Chamber needs to make an appropriate assessment.
8 The Trial Chamber needs to close this can of worms to hear
9 additional witnesses, in particular in relation to additional
10 witnesses concerning 2-TCW-1000. In addition, the Trial Chamber
11 needs to acknowledge the lack or the carelessness on the
12 International Co-Prosecutor's side which has been shown clearly
13 and that they now -- he now attempts to fill in the lacunae due
14 to their carelessness.

15 [09.38.07]

16 The International Co-Prosecutor actually is aware of the two
17 witnesses who have been requested by this so-called International
18 Co-Prosecutor and they should have done that a long time ago, or
19 at least at the same time that the request for 2-TCW-1000 was
20 made on the 11 November 2015.

21 However, the International Co-Prosecutor failed to do so. For
22 that reason, the submissions by the International Co-Prosecutor
23 fails to meet the criteria stipulated in 87.4 of the ECCC
24 Internal Rules.

25 The <WRIs> of the two witnesses have been included in Case

1 <002/02> on the 3rd of June 2015, that is, document E319/23.
2 The International Co-Prosecutor also made a request to the
3 Investigating Judges on the <5th> of May 2014, on the <15th>
4 December 2014, and on the <16th June> 2015 or 22nd April 2015.
5 That is in reference to paragraph 2 of document E319/23.
6 [09.40.01]
7 And the Co-Investigating Judges granted a request through the
8 notification sent on 14 May 2015. That is in reference to
9 paragraph 2 of document E319/23.
10 The International Co-Prosecutor actually requested to call these
11 two witnesses on 24 December 2015, after they learned of the
12 records of these witnesses. It means that they had one and a half
13 month after the November 11 -- 11 November 2015, when they
14 requested to admit <95> documents and four witnesses, including
15 2-TCW-1000. And this is in reference to document E319/36.
16 For Witness, 2-TCW-1009, the International Co-Prosecutor included
17 his WRI in its request, that is, document E319/36. And of course,
18 we made our objection to that request. That is in document
19 <E319/36/1.2>. And that is number 37 in the table of authority.
20 <As for another witness 2-TCW-1010>, the International
21 Co-Prosecutor did not request to include his WRI in their
22 request. For that reason, there is no ground for the
23 Co-Prosecutors to make that request now unless they wish to
24 strengthen the testimonies of 2-TCW-1000. And the Co-Prosecutors
25 failed to prove that these witnesses have substantial --

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1 substantial testimonies for the consideration and assessment by
2 the Trial Chamber.

3 [09.42.54]

4 Concerning the bias by the Trial Chamber, it seems that the Trial
5 Chamber tends to lend their hands to the Co-Prosecutors. If we
6 look back in the previous practice <from 11th November 2015>,
7 Judge Lavergne seems to rule always encourage the request by the
8 Co-Prosecutors. And it was done only by the <> Co-Prosecutors in
9 the case that the civil parties failed to appear. And for that
10 reason, two additional witnesses were requested.

11 And the Co-Prosecutors failed to request for additional
12 witnesses, and that request was made only a week after the
13 encouragement by Judge Lavergne. It seems that Judge Lavergne
14 <has> not <been> satisfied with the testimonies so far and, for
15 that reason, it seems that he needs other elements of crimes to
16 press further charges on the Accused. And it seems that the Judge
17 lends his hand to the Co-Prosecutors.

18 [09.44.28]

19 Now I'd like to touch upon the issue of presenting inculpatory
20 evidence only. And that is the main reasons to call for
21 additional witnesses concerning the treatment of the Vietnamese,
22 and that actually reminded us of the previous request, to hear
23 additional witnesses concerning the treatment of the Cham.
24 The belated request by the International Co-Prosecutor <based on
25 the elements from Cases 003 and 004> again and again and which

18

1 have been granted by the Co-Prosecutor -- by the Trial Chamber
2 whilst the request to hear additional witnesses by Nuon Chea
3 defence were rejected. This, it seems, to fill in the lacunae of
4 the investigation in this case, and it seems to show the weakness
5 of testimonies who appear before this Chamber concerning the
6 allegation of acts of genocide.

7 [09.45.44]

8 The Trial Chamber repeatedly grants the request to hear
9 additional witnesses by the Co-Prosecutors, but fails to consider
10 additional witnesses by our Defence submitted in May 2014. Lately
11 -- or recently, the Trial Chamber said that they are considering
12 our other request, that is, document E366/3, dated 24 December
13 2015, paragraph 12. And allow me to quote that paragraph:

14 "The Trial Chamber is considering the request by the defence team
15 for Khieu Samphan to hear seven witnesses, and the Trial Chamber
16 will notify the Parties of its decision whether those witnesses
17 shall be called. And if they are to be called, when they will be
18 called and which facts they are called upon."

19 Thus far, a number of facts in Case 002/02 have been put to test
20 before this court, and the majority of the seven witnesses that
21 we requested could actually testify on several topics in Case
22 002/02. However, the trial proceedings are ongoing, and it is
23 about to conclude and there is no witness requested has so far
24 been selected, while other witnesses who could provide potential
25 testimonies concerning the treatment of targeted groups.

19

1 [09.47.45]

2 On the contrary, the Trial Chamber notified us on 24 December
3 2015, the list of experts on the facts of the targeted groups.
4 One expert to testify on the treatment against Cham and two on
5 the treatment against the Vietnamese. These are the experts
6 proposed by the Co-Prosecutors.

7 These experts had been selected for the treatment against the
8 target groups were for the purpose only of the inculpatory
9 evidence. However, the experts that we requested in order to shed
10 light on these matters have not yet been selected.

11 The Trial Chamber shall hear witnesses or testimony of those who
12 could shed light or for the interest of justice rather than to
13 grant request for other witnesses from the Co-Prosecutors which
14 are to delay the proceedings and which affects the right of the
15 Accused.

16 I conclude my response, Mr. President.

17 [09.49.07]

18 MR. PRESIDENT:

19 Thank you. And Counsel Koppe, you have the floor.

20 MR. KOPPE:

21 Yes, Mr. President. A very brief remark.

22 I think it's important to note that we concur, literally, with
23 every word the Khieu Samphan defence team has just said. We've
24 actually given up making arguments like this, but it is important
25 to know that we fully concur with their position.

20

1 We like especially the term "can of worms". I wish I would have
2 found it myself because the decision of the Chamber to call
3 2-TCW-1000 was the reason for our request E380.
4 So just for the record, we concur with everything the Khieu
5 Samphan team -- defence team has said.

6 MR. PRESIDENT:

7 Thank you. And now the floor is given to the Co-Prosecutor. You
8 may now proceed.

9 [09.50.15]

10 MR. DE WILDE D'ESTMAEL:

11 Thank you, Mr. President. The objections were very lengthy<.> I'm
12 going to try to be <briefer. However, I must> address a certain
13 number of points.

14 First, I'm going to start with the last remark <by Counsel for>
15 Nuon Chea <>, who says he completely agrees with what he heard.

16 I'd like to remind him that, among the experts <who are> on the
17 list -- <who are> on the potential list of the Chamber and <whom>
18 the Khieu Samphan National Counsel spoke about, there are <also>
19 one or several experts that were requested by <> Nuon Chea <>.

20 And furthermore, Nuon Chea <has just> requested the appearance of
21 three extra witnesses regarding Kampong Som.

22 Now, regarding these two applications, why, first of all, are
23 they justified? Why <are> they <coming> into play now? This, of
24 course, is a question that comes up often. In fact, we waited for
25 <what seemed to us to be> the best moment, <when there was an

21

1 opportunity during> a break during the <hearings,> to make this
2 request. And we <particularly> took into account the fact that
3 the list of witnesses that was programmed by the Chamber <has
4 been> constantly <changing> since September. <Moreover, this> is
5 <the background> we explained in our request, E381.

6 [09.51.44]

7 At the beginning, there were a certain number of witnesses and
8 civil parties that had been selected, and then the Chamber
9 <realized> that, among these people who had been initially
10 selected, a certain number of them had died and many others were
11 not available or were being medically assessed. And this <>
12 prevented them, <at least> on a temporary basis, <from coming to>
13 testify. <So> we had this uncertainty regarding <several> people
14 who could come, but we were not absolutely sure that they would
15 come. So I <hear> the National <Counsel for> Khieu Samphan <>
16 saying that the Trial Chamber has apparently rejected the six
17 witnesses that we are <taking the liberty to propose> again
18 because these six witnesses were <actually> already on <our>
19 previous witness <lists>.

20 It's not that the Chamber <> rejected them. The Chamber did
21 simply not select them at a <given> point in time. Now, this is a
22 list that changes depending on <states of> health <> and <> on
23 <deaths that occur, and this is a reality which is catching up
24 with us, time is catching up with us before this Chamber.>

25 [09.52.57]

1 So, I would like <nevertheless> to remind<>the different Parties
2 that <>the burden of the proof is on the <Co-Prosecutors in this
3 case file> and <that> the charges are numerous and complex
4 regarding this segment on the Vietnamese. It's not only genocide.
5 Of course, <the intent to commit> genocide has its requirements,
6 and it's hard, of course, to prove this<,> but here, we're
7 speaking about <the genocide in Svay Rieng and Prey Veng as the
8 implementation> of a national policy <>, and this is why we heard
9 a certain number of witnesses regarding <> regions <other than>
10 Svay Rieng and Prey Veng. <But aside> from genocide, there are
11 crimes against humanity, murder, extermination, racial
12 persecution and deportation. And that's not all, because <there
13 are> also <grave breaches> of the Geneva Conventions and, in
14 particular, wilful homicide at S-21, torture at S-21, inhumane
15 treatment, the fact of <deliberately> inflicting <great suffering
16 or> serious <injuries on prisoners> or of <violating the right of
17 prisoners of> war <> or <civilian prisoners> to a fair <and
18 equitable> trial<,> both at S-21 and,>in certain cases, at Au
19 Kanseng.
20 <> I will get back to this link with S-21, and this link is
21 <established> through the Kampong Som witnesses. But I would also
22 like to respond to a point that I heard in which the Khieu
23 Samphan Counsel accuses us of <actually wanting to delay> the
24 proceedings.
25 [09.54.45]

1 That's not the <case.> We have the burden of the proof. <It is
2 heavy.> Of course <> there's documentary evidence on the case
3 file, but the <weight> of the testimonies is <also> important,
4 for the Chamber as well as for the public. And one of the
5 difficulties of this segment is that <it appears that> there are
6 no Vietnamese survivors among the people who are going to come
7 testify here.

8 <There> are very, very few<, if any,> Vietnamese <people who>
9 survived <while living in Cambodia throughout> this <entire>
10 period from '75 to '79<. This> is one of the difficulties that
11 we're facing <regarding the burden of proof>.

12 Another point that we must <note> is that we have no contact with
13 the witnesses, and this should be made clear to certain observers
14 <and media>. We have no contact with the witnesses, so of course
15 there might be surprises<, and> certain witnesses who <were>
16 called to testify, <or> who we thought could confirm a certain
17 number of facts, are not able to do so, <after all,> and we
18 <become aware of> this <> during the proceedings.

19 [09.55.58]

20 So, telling us that we're trying to delay the proceedings, that
21 seems to be really unfair coming from a team which <has, on a
22 number of occasions,> stepped out of this courtroom and has, in
23 fact, <wanted to go on strike and deliberately delay> the
24 proceedings.

25 So in the first application, of course, there are six civil

24

1 parties and witnesses that we would like the Chamber to hear,
2 mainly regarding Prey Veng and Svay Rieng. And I would like to
3 insist upon the fact that it is necessary to refocus the trial on
4 these two provinces <and that,> until now, we <have> only heard
5 four witnesses or civil parties regarding both of these
6 provinces.

7 Now, regarding Svay Rieng, it is true that, at the start, the
8 <Chamber's> first list of witnesses and civil parties <> included
9 no civil party or witness relative to these provinces and, since
10 then, two people have been heard. One of them was not able,
11 however, to <really> confirm the fate of the Vietnamese who <had
12 been taken to his> village. This is a witness who was heard in
13 December.

14 [09.57.12]

15 So, we have proposed, again, three people who are included on our
16 main list of witnesses regarding Prey Veng. They come from the
17 same village. They come from the same region. These are people
18 whose <testimonies corroborate> each other <and, I believe,
19 assist in establishing the facts clearly. Now,> we do not <yet>
20 know <-- the Civil Party lawyers> are going to tell us <-- what
21 is> the health <status and the willingness to appear> of two of
22 these civil parties<, at least one of whom is from the same
23 sector.> So with this question mark, <obviously,> we are
24 <nevertheless> requesting the Chamber to consider calling these
25 civil parties regarding Prey Veng so that the facts <can> be

1 clearly established.

2 Regarding Svay Rieng, we simply requested that two other
3 witnesses who were <on> our initial list <> also <be> heard.

4 [09.58.19]

5 And finally, <one> last witness was requested. This is a witness
6 concerning Pursat<. On the> initial list of witnesses <we
7 proposed>, there were three <> who came from Pursat. <Only> one
8 of them was proposed again in our <E381> request<>. It seems
9 important to us that there be, indeed, witnesses coming from
10 other regions so that we can establish <the> national <nature> of
11 <a> policy vis-à-vis <> Vietnamese enemies.

12 And we spoke about a "can of worms". I'd like to get back to this
13 term. I think <> it's not very honest to mention this because<,
14 for> 10 to 15 minutes, the lawyer spoke about the fact that <it
15 was all> about <statements> coming from Case 003. <> I don't
16 know if it was useful to mention this, but we have to admit that,
17 right now, these documents are no longer documents coming from
18 Case 003. These are documents that were <produced and> forwarded
19 to the Parties in <a timely manner>. And <now, the parties have
20 been able to present> most of these documents <> before the
21 Chamber. The documents that were referred to were disclosed to
22 the Parties on the 18th of May 2015<. The> Parties <have> had the
23 <opportunity> to review <them. These> documents <are now part> of
24 Case 002<. I think> we should stop bringing up this argument that
25 these documents <were, at one point in time, transferred> from

1 Case 003.
2 [10.00.02]
3 So are we <dealing with the trial of> Meas Muth here? Not at all.
4 What I said earlier on is that what <is of> interest <to> us
5 <specifically> with regard to the Kampong Som witnesses is to
6 prove the national policy against the Vietnamese because there
7 are <> many witnesses coming from <that sector> who speak about
8 this<,> because this is a border area and <> Vietnamese would
9 travel<,> either to fish or because they were refugees <> or,
10 again, if they were patrolling their territorial waters.
11 So there are, <indeed>, quite a few testimonies regarding Kampong
12 Som that may <be of> interest <to> us regarding the national
13 policy regarding the Vietnamese and the way that the central
14 authority <viewed> them.
15 As I said earlier, as well, there is a very clear link between
16 the <arrests> of Vietnamese at the borders <--> and, in
17 particular, in Kampong Som <--> and S-21.
18 [10.01.03]
19 <So, of> course, we will hear testimonies from S-21 regarding the
20 presence of Vietnamese there <> and also the broadcast of
21 confessions on the radio following the arrests of these people
22 and their possible torture, but it seems important to us to <be
23 able to> make this link also on the basis of the <> segment <on
24 the Vietnamese> and <the arrests of people in> Kampong Som<,
25 among whom some witnesses> say that they were later on

1 transferred to Phnom Penh and<, in particular,> to S-21.
2 And this is the case for <> the third witness who is in the Nuon
3 Chea <> application and whose pseudonym is 2-TCW-1010.
4 <So, was> it really a question of <lack of> diligence? <As I
5 said, we> waited for the right time to make <an omnibus> motion<.
6 It is true that> we <asked for> the testimony of 2-TCW-1000
7 <before>. At the time, we <had> thought that it was urgent to <be
8 able to> include that name in the motion of November, but we
9 <were> waiting to see <how this segment was going to unfold and
10 to see who would> be available<, who would> appear before the
11 Chamber <etc., before we could make an application, or an omnibus
12 application, in any case, with several names>.
13 [10.02.35]
14 <Now, we have two, one of which is pursuant solely to Rule 87.3,
15 while the other is pursuant to Rule 87.4. That is why there are>
16 two motions<, but I think> the two <should> be <considered as
17 forming part of one whole.>
18 <> I would <also> like to <point out that I, myself, spoke before
19 the Chamber> about the fact that we would wish that other
20 witnesses <could be> called<. That was when we were discussing
21 the> health status of the civil parties <who were -- who, at
22 least at> the time, we thought that those civil parties would not
23 appear<. So> it is <not, in my opinion -- I don't want to defend
24 anyone but, in any case, it seems to me to be truly> out of place
25 to accuse a Judge<, in particular,> of assisting the

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1 Co-Prosecutors <in that way. It was a> motion <we have intended
2 to make> for some time, and we had <already> announced that
3 <orally> earlier during one of the hearings.

4 I think <that> is <about> all I <can> say for now. I believe my
5 submissions have been sufficiently comprehensive<, in light of
6 the submissions we have heard from the Defence teams>.

7 Thank you, <Mr. President>.

8 [10.03.52]

9 MR. PRESIDENT:

10 Thank you. And the Lead Co-Lawyers for civil parties, do you wish
11 to make your response or objections -- or observations, rather,
12 to the objections raised by the defence team for Khieu Samphan
13 <regarding the three requests>?

14 MS. GUIRAUD:

15 We have no remarks, Mr. President.

16 MR. PRESIDENT:

17 Thank you. Now the Chamber would like to get an update <from the
18 Lead Co-Lawyers for civil parties> on the situation of two civil
19 parties, that is, 2-TCCP-844 and 2-TCCP-869. On the 9 and 11
20 December 2015, the Trial Chamber notified Parties in Case 002/02
21 by an email from the senior legal <officer> on the situation of
22 civil parties 2-TCCP-844 and 869, and whether they can appear to
23 testify before the Trial Chamber.

24 The Trial Chamber received a report from WESU concerning the
25 psychological and physical health of the civil parties, and <back

1 then> the Trial Chamber <asked for> an update from the Lead
2 Co-Lawyers for civil parties if necessary measures have been
3 coordinated to assist the civil parties to testify.

4 [10.05.41]

5 Yesterday, the Lead Co-Lawyers for civil parties <notified> the
6 Trial Chamber that they <wished> to respond to this matter today.
7 For that reason, the Chamber would like to give the floor to the
8 Lead Co-Lawyers <for civil parties> to provide an update on this
9 issue as well as measures deemed appropriate to assist the two
10 civil parties to testify <before the Chamber>.

11 You may proceed, Lead Co-Lawyers.

12 [10.06.13]

13 MR. PICH ANG:

14 Good morning, Mr. President, Your Honours, everyone in and around
15 the courtroom. My name is Pich Ang, the National Lead Co-Lawyer
16 for civil parties.

17 After receiving instructions from the Trial Chamber, and as
18 highlighted by the President, we, the Lead Co-Lawyers for civil
19 parties, actually met with the two civil parties, that is,
20 2-TCCP-869 and 2-<TCCP-489 (sic)>. We met them <on two occasions>
21 to discuss the matter and to inquire about their physical and
22 mental health. We actually met them on the 28 December <2015,>
23 and then on the 4th January 2016.

24 I'd like now to provide an update on the condition of 2-TCCP-869.

25 As Your Honours have received the report, the civil party is

1 scared to testify amongst the crowd of people in this courtroom,
2 and she objects to appear before the Trial Chamber based on this
3 ground. She says that she was not educated and that is in
4 addition to her poor health condition, and that she is also quite
5 old. She is currently 74 years old.

6 After the two meetings, in particular the last meeting that we
7 met her on Monday, 4 January 2016, we were with her with Dr. Muny
8 Sothara, a <socio-psychological> expert from TPO, to discuss with
9 the civil party as well. And after the session ended, we were
10 confirmed by the civil party that she <would be willing> to
11 testify.

12 [10.09.02]

13 However, as reported in the medical report by WESU concerning her
14 health condition, the report dated <16> November 2015, that due
15 to her senior age and of her limited education and also due to
16 her poor health condition, we, the Co-Lawyers for civil parties,
17 are of the view that if she is to testify that she should testify
18 for <the> morning sessions only and maybe the next -- subsequent
19 day would be for the morning sessions as well. And that would
20 give her time to concentrate and to respond to the questions. And
21 that would not put much pressure on her health condition.

22 Also concerning questions that would be put to her by the
23 Parties, I would urge that the questions shall be simplified. And
24 as for her statement of suffering, we would like to have it
25 instead in a question form so that she can respond to those

1 simplified questions. She's not in a position to make a lengthy
2 description of the situation concerning her harm.

3 [10.10.52]

4 Now I'd like to move on to the second civil party, that is,
5 2-TCCP-844.

6 We met with this civil party, who confirmed that his condition
7 <was> much better than previously examined by the doctor from
8 WESU. Previously, he had problem with high blood pressure and he
9 had weakness on the -- on one side of his body. He is now engaged
10 in physiotherapy and that he has to jog for a kilometre distance
11 every day to revitalize his health. And he is actually having
12 <three occasions of> breathing problems every day, but <he would
13 get better in half an hour or an hour>.

14 He is not being treated with modern medicine however, he opts for
15 herbal treatment and he <confirmed> that he <was> willing to
16 testify before the Chamber.

17 In conclusion, in order to clarify these matters<>, we request
18 that the Trial Chamber appoint a doctor to examine the two civil
19 parties. And again, I'd like to confirm that the civil parties
20 are willing to testify. And per our observation, as a general
21 condition, we are of the view that their testimonies are relevant
22 to the proceedings and it <would> not <be> a waste of time, as
23 alleged by the National Counsel for Khieu Samphan as they are the
24 actual victims of the crimes and their facts or experience are
25 <linked> directly to the facts being debated before this court.

1 And of course, we are in a position to provide any further
2 response if you wish us to do so.

3 [10.13.38]

4 MR. PRESIDENT:

5 Judge Lavergne, you have the floor.

6 JUDGE LAVERGNE:

7 Thank you, Mr. President.

8 I'm not sure I <have fully> understood <> the explanations that
9 were provided this morning. There might <have been some> problems
10 of translation.

11 I understand that <at the end of his explanations, Mr.> Pich Ang
12 said that both civil parties would like to testify, but I <>
13 believe I heard before that Civil Party <2-TCCP-869 was refusing>
14 to come<. I admit> I'm a bit lost.

15 [10.14.23]

16 And furthermore, <> it was also said<, as regards that> civil
17 party, that this civil party might <possibly> come <to> testify<,
18 but> only in the morning, and if we put <relatively> simple
19 questions to <her. Is> this a proposal that was discussed with
20 <this> civil party? <Has> this proposal been accepted by the
21 civil party?

22 And finally, <a request was also made for the appointment of> a
23 doctor<. What> is the objective of this request? Is it to have
24 <an additional expert assessment? Is it so that> these doctors
25 <could> provide <advice> to the civil parties? <I would like to

1 have further clarifications.>

2 MR. PICH ANG:

3 Concerning Civil Party 2-TCCP-869, initially, she refused to
4 testify. However, after we met with her in the presence of <a
5 psychological> expert from TPO, the civil party <was> willing to
6 testify. I hope you are clear on this now.

7 Likewise, for <civil party> 2-TCCP-844, he <has confirmed> that
8 he <was> willing to testify.

9 As for Civil Party 2-TCCP-869, she is able to testify considering
10 her health condition. However, based on our observation and, of
11 course, Your Honours have seen it in the report, she is old<, and
12 she is overweight.> She has high blood pressure, although it is
13 controlled by medicine.

14 [10.17.15]

15 If it is possible for her to testify for the morning sessions
16 only, that would be better for her. For example, if she is
17 scheduled to testify for one day, it means that she should be
18 testifying for the morning session for one day and then another
19 morning session for the following day. And that would assist her
20 due to her health condition.

21 And if we can do it this way, it means that we give her time to
22 rest and that we give her time to concentrate in responding to
23 the questions to be put to her.

24 And in response to the question by Judge Lavergne, we believe
25 that in order to have further clarification, a doctor should be

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1 appointed to examine her. And that should also apply before her
2 appearance to testify, that she should be examined by a doctor.
3 And we also urge to have a <psychological> expert or a supporter
4 to be with this civil party during testimony, in particular for
5 civil party 2-TCCP-869.

6 [10.19.08]

7 JUDGE LAVERGNE:

8 So, <> the request regarding the <presence or intervention> of a
9 doctor only concerns 2-TCCP-869, and not 2-TCCP-844. <> Did I
10 understand correctly?

11 MR. PICH ANG:

12 It applies to both parties -- civil parties, rather.

13 JUDGE LAVERGNE:

14 So the point <of having the doctor intervene would be> to make
15 sure that the civil party <is indeed capable of testifying before
16 he or she comes> to <testify>. Is that <it? Or is there some
17 other reason?>

18 MR. PICH ANG:

19 Yes, that a doctor should examine them both before their
20 appearance.

21 [10.20.13]

22 JUDGE FENZ:

23 Sorry. May I just clarify? We have medical expertise for at least
24 one, I think actually both of those, so what's the basis of the
25 request for a new expertise?

1 We already have expertise, so why a new expertise? What's the
2 reason for that?

3 MR. PICH ANG:

4 I do not have any expertise in this area. However, as the
5 representative counsel, I am of the view that their health
6 condition is not that great. For that reason, we recommend that
7 they should be examined by a physician before their appearance in
8 order to avoid any unforeseeable problems during their testimony.

9 [10.21.32]

10 JUDGE FENZ:

11 Are you challenging the report that is already on the case file,
12 or is the idea to have this new expert or report to clarify the
13 circumstances or the conditions of the appearance?

14 What's the basis for the request for another expert... expert
15 report?

16 MR. PICH ANG:

17 I have read all those medical reports and, as I said, I do not
18 have any medical expertise. I merely suggest that before their
19 appearance that they should be examined by a physician. And this
20 does not mean that I object to the medical reports that have been
21 made thus far.

22 MS. GUIRAUD:

23 If you would allow me, Mr. President, Your Honours, to sum up
24 <succinctly> as regards 2-TCCP-869, we went to see that civil
25 party with a TPO expert. That CP is <now> ready to <come to>

1 testify <and the> recommendations of <the> TPO <expert are> as
2 follows:

3 It is <> preferable that that person testify in the morning
4 <accompanied by> a representative of TPO. <It was> also requested
5 that a member of that person's family accompany her to Phnom
6 Penh. With those recommendations <applied>, the testimony of
7 2-TCCP-869 is possible. That is<, in any case,> what the TPO
8 expert confirmed to us.

9 [10.23.43]

10 I think that what my colleague <meant> to say is that he would
11 <like> a <medical doctor> here, <> just before the testimony of
12 2-TCCP-869, <to> be able to examine the civil party<, but just>
13 before the testimony<, if I> understand <what> my colleague
14 <meant to say>.

15 As for <2-TCCP-844>, we <also> saw that person <> on the 4th <of
16 January. His> health status has improved<; he is better, and he
17 wishes> to come and testify. That person takes traditional
18 medicines because <he does not have access to Western>
19 medicines<; sorry about this Anglicism> .

20 We are not doctors<. Therefore, we will now> rely on the
21 discretion on the Chamber. What we can <say> is that that person
22 is feeling better, <that he wants> to appear<, that he is> taking
23 <traditional> medicines and <that it seems to us that he> is
24 <capable of coming to> testify for one day in Phnom Penh.

25 Of course, we are not doctors and we therefore rely on the

1 discretion of the Chamber.

2 I hope I've clarified the translation problems<. So, as far as we
3 are concerned,> 2-TCCP-844 and 2-TCCP-869 <can and> would like to
4 appear and testify before your Chamber.

5 [10.25.05]

6 JUDGE FENZ:

7 May I sum up? You are not asking for an additional report. You
8 are asking for the presence of a doctor here while these people
9 testify in order to deal with possible emergencies.

10 Thank you.

11 MR. PICH ANG:

12 Yes. That is the point, Your Honour.

13 And I'd like to respond to another question by Judge Lavergne. We
14 discussed with the civil parties and as the Judge asked; is it
15 the intention of the civil party to testify only for the morning
16 sessions? And indeed, yes, we discussed with her, the civil
17 party, and that is the wishes of the civil party, that is, to
18 testify only for the morning sessions.

19 Thank you.

20 [10.26.03]

21 MR. PRESIDENT:

22 Thank you.

23 And I'd like now to hand the floor to the Co-Prosecutors to
24 respond or to make observations regarding this matter, if you
25 have.

1 MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President. We have no particular submissions to
3 make regarding <> the health status of <these> civil <parties>.
4 [10.26.33]

5 MR. PRESIDENT:

6 And what about the defence teams for -- on this matter? Do you
7 wish to make any observation regarding the update given by the
8 Lead Co-Lawyers concerning the two civil parties?

9 It seems there is no observation from the Defence.

10 Regarding the three requests by the defence team for Nuon Chea
11 and the Co-Prosecutors as well as our discussion on the update of
12 the civil parties, 2-TCCP-844 and 869, are now concluded. And the
13 Chamber would like to thank the parties for your oral
14 observations or submissions. We will use them as the base for our
15 decision, which shall be issued in due course.

16 It is now appropriate for our short break. We'll take a break now
17 and resume at 10.45.

18 (Court recesses from 1028H to 1047H)

19 MR. PRESIDENT:

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

21 And once again, the floor is given to Co-Prosecutors to resume
22 <his line of> questioning <to the witness>.

23 You may now have the floor.

24 QUESTIONING BY MR. BOYLE RESUMES:

25 Thank you, Mr. President. Good morning, Your Honours. Good

1 morning, Counsel.

2 Q. Good morning again, Mr. Witness. When we left off the
3 questioning yesterday, we were discussing some of the Vietnamese
4 that were in your village, Pou Chentam village.

5 I'd like to ask you first, after the time when the Khmer Rouge
6 came to your village, were you ever aware of them taking any
7 steps to identify who in the village was of Vietnamese ethnicity?

8 MR. THANG PHAL:

9 A. I did not pay attention to the issue, so I did not know at the
10 time.

11 Q. Were you ever aware of any Khmer Rouge going around to
12 families in the villages or houses in the village and asking
13 questions to determine if anyone in the family might be
14 Vietnamese?

15 [10.49.40]

16 A. I did not know about the matter. They perhaps went to talk
17 with the <village chiefs>. They did not discuss the matter with
18 -- or rather, they went to talk to village chief, and they never
19 <asked> the villagers.

20 Q. I'd like to read you an excerpt from a DC-Cam statement of
21 another villager from your village to see if that refreshes your
22 memory. This is document E3/7562. It's the DC-Cam statement of
23 2-TCCP-869. It's at English ERN, 01170650 to page 51; and Khmer,
24 00034056. There is no French version. And this is what this
25 individual was asked:

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1 Question: "How did they" -- and she's discussing, I should say
2 her husband, Tep Chuy, who you identified as another Vietnamese
3 individual in Pou Chentam village.

4 Question: "How did they know that he was Yuon? Were they told
5 about that?"

6 Answer: "They just knew it. They traced him and knew."

7 Question: "Did they investigate to find out how many Vietnamese
8 families there were in the village?"

9 Answer: "That is correct. That is what they did."

10 Question: "Did they ever come to collect statistics in villages
11 and communes? Did they ever come to make any lists?"

12 Answer: "Yes, they did. That happened during the Pol Pot era."

13 Question: "Did they go house to house to collect the data?"

14 Answer: "Yes, they did."

15 Question: "Did you tell them that your husband was Vietnamese?"

16 Answer: "Yes."

17 [10.51.50]

18 Mr. Witness, after hearing that statement, does that refresh your
19 memory that during the Pol Pot era that members of the Khmer
20 Rouge would go house to house to ask questions about the
21 ethnicity of the members of those households?

22 A. <> I was not aware of <any such a search by the Khmer Rouge>.

23 Perhaps the Khmer Rouge went to work with the authorities in the
24 village on the matter. I was simply an ordinary citizen at the
25 time. I was not aware of <the issue>.

1 [10.52.46]

2 Q. Thank you. I'd like to now ask you about some of the
3 individuals that -- the three individuals that you mentioned that
4 were of Vietnamese ethnicity in your village and what -- what
5 occurred to them during the period of Democratic Kampuchea. And I
6 would like to begin with Mr. Ngoy, who you mentioned yesterday,
7 who you said was of Vietnamese ethnicity.

8 And I'd like to ask, when did you last see Ngoy?

9 A. Ngoy went to <collect> rumpeak <vines> with me, and he got
10 married <to a girl from> the village.

11 Q. Do you recall what year it was that he was sent to cut rumpeak
12 vine?

13 A. Ngoy was sent to <collect> rumpeak vine with me in late 1976
14 or 1977. Angkar assigned us to cut rumpeak vine for a period of
15 one month. However, we did not -- <having stayed there for only 5
16 to 6 days>, Angkar went to take us back <when the situation had
17 changed.>

18 Q. When you say that Angkar came to take you back, can you name
19 an individual who came to take you back?

20 [10.55.22]

21 A. Seng, the deputy <village> chief, went to take us back.

22 Q. And did he give a reason why he was coming to take you back to
23 the village?

24 A. Upon our arrival, as a member of the group who <was on the
25 assignment to collect> rumpeak vine -- and at the time, we saw

1 Seng and he told us that he needed to take us back to the
2 village.

3 Q. And can you tell us what happened as you went back to the
4 village with Seng, perhaps beginning by telling us who -- how
5 many people were sent back with Seng to the village in addition
6 to yourself and Ngoy?

7 MR. PRESIDENT:

8 Please observe microphone, Mr. Witness.

9 [10.56.44]

10 MR. THANG PHAL:

11 A. Ten of us, including me, were sent back. We were walking back
12 to the village, 10 of us. I cannot recall all the names. Among
13 them, there <were> El and Ngang.

14 BY MR. BOYLE:

15 Q. And did all 10 of you reach back to Pou Chentam village?

16 A. When we returned<, passing through the villages of Kouk Tnaot,
17 Veal Touch and Prey Ampov, and when we were halfway through, the
18 chain of Seng's> bicycle <broke>.

19 And at the time, since the chain of the bicycle was broken, <we
20 then walked along with Seng. Upon arrival at a security centre of
21 Pol Pot, I offered to re-assemble the chain for him, but he
22 objected. He asked us to move on, but kept Ngang to handle the
23 task. Then we, 8 - 9 people left them behind. While walking, I
24 kept expecting them to catch up. Ngang had actually injured
25 himself in the foot by stepping on thorns of rumpeak vine.>

1 Q. Was Ngoy the only one of the group who was requested to stay
2 when Seng's bicycle chain broke?

3 A. <Only> Ngang was stopped, <while> the rest were told to move
4 on. And we were told <to move ahead, while> Ngang <would be kept
5 to re-assemble> the chain. <And this happened when we arrived at
6 a security centre.>

7 [10.59.08]

8 Q. Do you -- are you able to name the location that the -- where
9 Seng stopped at? Was there any structure near there that you are
10 able to name or give us any other geographically identifying name
11 of that location?

12 A. It was <in> Ou Kandaol village <where in the compound of Wat
13 Chas, there was an old temple>.

14 Q. And do you know what Wat Chas was being used as at the time?

15 A. <> Wat Chas, during the Pol Pot time, <> was used as a
16 security centre. It was <located> in an open field, and <> far
17 away from the village.

18 [11.00.33]

19 Q. And could you see Wat Chas from where you were stopped with
20 Seng?

21 A. No<, I could not. I could not see> Wat Chas <as it> was
22 blocked by <a thick forest> and the village.

23 Q. Did you see any armed Khmer Rouge in the vicinity of where you
24 stopped with Seng?

25 A. <> Everyone <at the security centre> was armed <>.

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1 Q. Just to clarify, when you say that "everyone was armed at that
2 location", am I to understand that you did see armed Khmer Rouge
3 in the vicinity of that location where you stopped?

4 A. Yes, I witnessed that.

5 Q. And after you -- as you continued on to Pou Chentam village,
6 did you stop at any other villages on the way back to Pou Chentam
7 village?

8 A. During the journey, we stopped a few times on the way to wait
9 for Ngang, but <> Ngang <could never catch up> with us. And
10 because <he was not able to catch up>, we moved on <toward> Pou
11 Chentam village.

12 Q. And did you see Ngang return at any time after that?

13 A. When I returned to the village <at between 5:30 p.m. and>
14 almost 6 o'clock in the late afternoon<, he still had not caught
15 up>. And I <then learnt from> villagers <> that the wife of Ta
16 Ny, <and> Chuy <had been transferred by a> horse cart <toward>
17 the east direction to be killed. <And only then did> I <realize
18 that> that Ngang <could> have been killed there <as well. From
19 then on, Ngang just disappeared>.

20 [11.04.04]

21 Q. The wife that you just mentioned, can you tell us again who
22 that was and whether that person was of Vietnamese ethnicity?

23 MR. PRESIDENT:

24 Witness, please observe the microphone.

25 THANG PHAL:

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1 A. <The two people I mentioned just now were Vietnamese.> The
2 husband was Vietnamese, and Ny had a Vietnamese wife. However,
3 she looked like Khmer. <He> got married <to> her <when> he was
4 <working> in Phnom Penh. <He then brought her along to his home
5 village.>

6 MR. BOYLE:

7 Q. Have you seen Ngoy ever again since that time?

8 A. <He has disappeared from the time he returned from collecting>
9 the rumpeak vine <to the present>.

10 [11.05.26]

11 Q. Did you see Seng return to the village later?

12 A. I arrived in the village that day<. And> I saw Seng <the next
13 morning>.

14 Q. When you, either on your way returning to Pou Chentam or when
15 you arrived in Pou Chentam, did you hear anyone say anything
16 about what had happened to the Vietnamese in the village?

17 A. When I arrived in Pou Chentam village, people whispered to one
18 another that Vietnamese <had been> gathered<,> taken away and
19 executed.

20 Q. Was Ngoy's wife also taken away?

21 A. The wife of Ngoy remained in the village of Pou Chentam. She
22 was not taken anywhere.

23 MR. PRESIDENT:

24 You may have the floor, National Lead Co-Lawyer Pich Ang.

25 [11.07.10]

1 MR. PICH ANG:

2 Mr. President, my <apologies> to interrupt the questioning by the
3 Co-Prosecutor.

4 It seems that the witness, at one point, <spoke> of Ngoy and, at
5 <the other> instance, he <spoke of> Ngang, <it is confusing here.
6 So> I would like to get a clear understanding from the
7 Co-Prosecutor which person he <was referring> to.

8 MR. PRESIDENT:

9 Deputy Co-Prosecutor, you may proceed.

10 [11.07.36]

11 BY MR. BOYLE:

12 Thank you, Mr. President. I was under the understanding both from
13 interpretation yesterday and from discussing with others that
14 what the individual's name which is spelled, at least in English
15 translations, as N-g-a-n-g, can be pronounced in two different
16 ways. One is "Ngang" -- I apologize for my pronunciation
17 difficulties -- and one is "Ngoy". I realize I may have been
18 using both pronunciations, and I apologize for any confusion.
19 I do think that, due to the questions that -- and the answers
20 I've been receiving, the witness, at least, has been able to
21 understand who I've been discussing, but I can ask a simple
22 question of the witness, which is just to clarify.

23 Q. The individual who you were discussing yesterday as Ngoy and
24 has been at least interpreted in my headphones as Ngang, is that
25 the same individual who is of Vietnamese ethnicity in Pou Chentam

1 village?

2 MR. THANG PHAL:

3 A. I also get confused between Ngoy and Ngang. In fact, Ngoy was
4 the son and Ngang was the father, so actually, I <was referring>
5 to Ngang, the father.

6 My apologies if my confusion leads to the misunderstanding.

7 Q. No problem. That was confusion of my own creation.

8 And so just to follow up on that, let me clarify that the
9 individual that you were discussing that was sent to cut rumpeak
10 vine as Ngang, the father. Is that correct?

11 [11.08.53]

12 A. Yes, that is correct.

13 Q. Thank you very much, Mr. Witness, and thank you, Counsel, for
14 helping me to clarify that.

15 Ngang's wife, who you said was not taken away, was she of Khmer
16 ethnicity or Vietnamese ethnicity?

17 A. The wife of Ngang was Khmer, and she <had> actually <been
18 living> in Pou Chentam village <ever since>.

19 Q. And did Ngang and his wife have any children at that time
20 during the Democratic Kampuchea?

21 [11.10.53]

22 A. During the Democratic Kampuchea regime, they had two children,
23 and one was Ngoy and the other one was a daughter called <Kantob>
24 (phonetic). Maybe she was short that's why she was called
25 <Kantob> (phonetic).

1 Q. And do you know if they were taken away during the period of
2 Democratic Kampuchea, or not?

3 A. At the time when their father was taken away and killed, they
4 <were not harmed and are still staying> in the same house.

5 Q. Thank you. I'd now like to move on to ask you some questions
6 about the Vietnamese wife of Lach Ny, who you just mentioned you
7 heard had been taken away on a horse cart when you returned to
8 Pou Chentam village. First, can you clarify, how did you learn
9 that his wife had been taken away?

10 A. At that time, I didn't know for sure because that was the plan
11 of Angkar. We were not allowed to know. They said that she was
12 taken away for <a study session>.

13 Q. Do you know if they took anyone else away at the same time
14 that they took her away?

15 [11.13.00]

16 A. <> I <did not return> from <collecting> rumpeak vine <in time
17 to witness what had happened;> however, I <learnt from> villagers
18 <that> the wife of Lach Ny and <Chuy had been> taken away by
19 Angkar for <a study session. I did not know what really
20 happened>.

21 Q. Do you know if the wife of Lach Ny and Lach Ny had any
22 children and if so, if they were taken away at the same time?

23 A. I cannot recall whether they had two or three children,
24 however, all the children were taken at the same time.

25 Q. Do you know the name of any of the individuals that came to

1 arrest them when they were taken away?

2 A. No, I did not because <I did not return in> time <to witness
3 the event>.

4 [11.14.31]

5 Q. I'd like to read you a section of a statement to see if it
6 refreshes your memory and this is document E3/5630. It's the
7 supplementary statement of 2-TCCP-844; English ERN, 00678289;
8 French, 00891890 to 91; and Khmer, 00895420. And this is what
9 this individual said discussing Lach Ny. It says:

10 "Lach Ny were aware that the Khmer Rouge took his wife and
11 children away to be re-educated by horse cart. They were arrested
12 by Ngoy and Chhem. Chhem was the co-operative chief -- commune
13 chief; Ngoy was his subordinate, a security chief."

14 Mr. Witness, does that refresh your memory that Ngoy and Chhem
15 were amongst the individuals that arrested Lach Ny's wife and her
16 children?

17 A. At the time of the arrest, I was not present in the village; I
18 was still in the field <collecting> rumpeak vine.

19 Q. I understand. I -- I was wondering if you had heard at the
20 same -- in the same fashion that you heard that his wife had been
21 taken away, if you had also heard of any of the names of the
22 individuals who had come to arrest her at that time; do you
23 remember that information or if not, please say you don't?

24 [11.16.59]

25 A. At that time, they did not say anything else except that they

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1 said <the two persons> had been taken away. That was all.

2 Q. Thank you. Do you know why Lach Ny's wife was taken away to be
3 re-educated?

4 A. <People were whispering around> that the <two> people had been
5 taken away for <a study session> but, in fact, <they> knew that
6 <the two> were taken away to be executed.

7 Q. And do you know why they were taken away to be executed?

8 A. I couldn't know the reason for that.

9 [11.18.15]

10 Q. I'd like to read you a passage of a DC-Cam statement to see if
11 it refreshes your memory. This is document E3/7571; it's the
12 DC-Cam statement of Horn Han, a nephew of Lach Ny. The English
13 ERN is, 00598001; French, 00657195; and Khmer, 00034474.

14 Question: "Why was his wife taken for execution?"

15 Answer: "I was likely aware that she was a Yuon."

16 Question: "Oh, they would kill those who were Yuon?"

17 Answer: "Yes."

18 Question: "Why did they kill only the Yuon?"

19 Answer: "I do not know the reason behind that. At that time,
20 Cambodia and Vietnam were at war."

21 Question: "You mean during that regime?"

22 Answer: "Yes, they seemed to get rid of that race. They were
23 fearful that its existence may lead to a breaking of the regime's
24 internal secrets."

25 Mr. Witness, does that refresh your memory as to why the wife of

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1 Lach Ny was taken away to be executed?

2 MR. KOPPE:

3 I object to this question, Mr. President. I'm not sure how the
4 speculation of someone could possibly refresh the memory of this
5 witness when the witness just said that he doesn't know anything
6 about reasons for arrest. He doesn't know anything about where
7 people were taken. As a matter of fact, he doesn't know anything.
8 So, I'm not quite sure how the speculation of this particular
9 witness could, in any manner, refresh this witness' memory.

10 [11.20.13]

11 MR. BOYLE:

12 If I can respond, Mr. President, I don't believe that Counsel has
13 any basis for saying that this is speculation. In the first
14 place, he hasn't questioned Mr. Horn Hun. Second of all that the
15 very nature of refreshing an individual's memory is that if the
16 individual does not recall information, you read them something
17 and that might spark them to recall something and he might have
18 learned it in the same way that he learned that Som's (phonetic)
19 -- that Lach Ny's wife was taken away for education or execution
20 even though he wasn't there. So I'd like that the witness be
21 allowed to answer the question.

22 (Judges deliberate)

23 [11.21.17]

24 MR. PRESIDENT:

25 The objection by the International Counsel for Nuon Chea is

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1 overruled. This kind of question is permissible in this
2 proceeding and Parties can follow this procedure.

3 Witness, please respond to the last question put to you by the
4 International <Deputy> Co-Prosecutor if you remember it.

5 MR. THANG PHAL:

6 I cannot recall the name of the individual who came to testify
7 here.

8 MR. PRESIDENT:

9 I <was referring> to the question not the individual.

10 Anyway, <the International> Deputy Co-Prosecutor, please put the
11 last <question> to the witness again. It seems that the question
12 <was> rather long. It <was> difficult for the witness to
13 remember. Please try to make it as short as possible so that he's
14 able to respond to your question meaningfully.

15 [11.22.23]

16 BY MR. BOYLE:

17 Thank you, Mr. President. I will endeavour to do that.

18 Q. Mr. Witness, I read you a passage from another individual who
19 was of the opinion that the wife of Lach Ny was taken away for
20 execution because she was Vietnamese. Does that refresh your
21 memory that you also heard that she was taken away because she
22 was Vietnamese?

23 MR. THANG PHAL:

24 A. I did not know the real reason or their actual plan because I
25 only knew that they had been taken away when I arrived in the

1 village and while they were being taken away, I was still in the
2 field.

3 [11.23.27]

4 Q. Thank you. Did you ever hear, when you returned to the
5 village, that the Khmer Rouge had inquired with Lach Ny, himself,
6 about whether his wife was Vietnamese?

7 A. I did not know whether the Khmer Rouge inquired about that.
8 His house was far from where I lived; it was about half a
9 kilometre away. <I was not aware of this.>

10 Q. Was Lach Ny, himself, also taken away?

11 A. At that time, Lach Ny was not arrested, however, he became
12 psychotic or crazy as we said because he went around in the
13 village crying and shouting because his wife and children had
14 been taken away.

15 Q. Do you know why they took the children away in addition to the
16 wife?

17 A. I did not know the reason why the wife and the children were
18 taken away, however, I heard <> that if the mother was Vietnamese
19 then the children would be taken away, as well<. However>, if the
20 father was Vietnamese <and> the mother was Khmer then the
21 children would not be taken away.

22 [11.25.37]

23 Q. And do you know what the reason behind that method of
24 operation was?

25 A. No, I could not know that.

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1 Q. I'd like to read you a statement to see if this reflect --
2 refreshes your memory. This document is E3/5640; it's the DC-Cam
3 statement of 2-TCCP-844. The English ERN is, 00645403 to 04;
4 French is, 00657819; and Khmer is, 00034405.

5 The question is: "Why did they also kill the children?"

6 Answer: "They said that they, the children, were from the Yuon
7 breed -- related to the Yuon breed."

8 Question: "Why did they kill the children since only the mother
9 was a Yuon?"

10 Answer: "The children were born from the mother who was a Yuon
11 breed."

12 Mr. Witness, does that refresh your memory as to why they would
13 have a different policy for children of Khmer mothers versus
14 Vietnamese mothers?

15 [11.27.13]

16 MR. KOPPE:

17 Mr. President, I object again. This is not only putting
18 speculation from some civil party to this witness, it's even
19 double hearsay. It's somebody saying that he heard something of
20 someone else. It is a clear invitation to this witness to do some
21 further speculation. As long as the Prosecution is at least
22 giving some evidence of someone who was actually involved in the
23 arrest then maybe it would be permissible, but under this --
24 these circumstances; it's not permissible.

25 MR. BOYLE:

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1 If I may respond -- respond, Mr. President, first of all, as with
2 the former objection, Counsel has no basis for saying that this
3 individual is speculating. Second of all, hearsay -- the
4 institution of hearsay is a common-law precept. This is a
5 civil-law Court. Hearsay has some role to play but it goes to
6 weight, not to admissibility and so I believe that the individual
7 should be allowed to respond to this question. I will note,
8 although I'm not allowed to use the individual's name because the
9 individual is a potential testifying civil party in this case,
10 that this person is related to Lach Ny so there is a connection
11 to the individuals that I'm questioning him about. So I ask that
12 I be allowed to ask the question.

13 [11.28.47]

14 MR. PRESIDENT:

15 The objection by the defence team for Nuon Chea is overruled.
16 Witness, you <are permitted> to respond to the last question by
17 the <International> Deputy Co-Prosecutor. And <the International>
18 Deputy Co-Prosecutor, you may rephrase or repeat your question.

19 BY MR. BOYLE:

20 Thank you, Mr. President.

21 Q. Mr. Witness, the passage from the statement that I just read
22 to you, the individual was of the opinion that the children of a
23 Vietnamese mother was taken because that made the children also
24 Vietnamese. Does that refresh your memory that you heard this
25 justification for the difference in policy about Vietnamese

1 mothers and Khmer mothers?

2 [11.29.43]

3 MR. THANG PHAL:

4 A. I do not <really> know how to respond to <the> question
5 because my knowledge is limited. It was the work of Angkar. <And
6 it was believed that> if the mother was Vietnamese then the --
7 the <children would> also <be> Vietnamese. <That's what I learnt,
8 nothing else.>

9 Q. Thank you, Mr. Witness. Since Lach Ny's wife and his children
10 were taken away, have you seen them again since then?

11 A. <They just> disappeared <ever since> after <it was said that>
12 they <had been> taken away for <a study session>.

13 Q. Did you ever hear of a meeting that took place that was called
14 by the Khmer Rouge in Pou Chentam village before Lach Ny's wife
15 and children were taken away?

16 [11.31.10]

17 A. At that time, I was not in the village. That is when there was
18 this so-called meeting and later Lach Ny's wife had been taken
19 away because at that time, I was busy cutting the rumpeak vine.

20 Q. I understand, but did you ever hear anyone tell you that there
21 was a meeting that was called before Lach Ny and the children
22 were taken away? I'm sorry; Lach Ny's wife and the children were
23 taken away.

24 A. I did not know if there was a meeting or not and as I
25 repeatedly said, I was an ordinary villager and I would not know

1 the details of their plan.

2 Q. I understand. I'd like to, nonetheless, read you a statement
3 and -- and, Mr. President, this is my last question in this -- in
4 this line of questioning because I see that it's 11.30 already
5 and so it might be a natural place for a break after that.

6 [11.32.32]

7 This statement is E3/5630. It's a supplementary statement of
8 2-TCCP-844; English ERN, 00678289; French, 00891890; and Khmer,
9 00895419 to 20.

10 "Nroy (phonetic)," -- excuse me, "Ngoy was the security chief of
11 the commune. In 1977, before Lach Ny's wife and children were
12 arrested, there was a village meeting where Chhem ordered Ngoy to
13 take Lach Ny's wife and children to be re-educated. All
14 villagers, including myself, were present at this meeting. I
15 can't remember the date of the meeting. At the same meeting,
16 around three families were ordered to be taken for re-education
17 as well."

18 Mr. Witness, does that refresh your memory that there was a
19 meeting held of the villagers where Chhem ordered Ngoy to take
20 Lach Ny's wife and children for re-education?

21 A. I did not know <the answer to this question>. And to my
22 understanding, if a meeting was held maybe a meeting was held
23 closed doors. It means it was held only amongst themselves and
24 not for the -- all the villagers.

25 [11.34.18]

1 MR. BOYLE:

2 Thank you, Mr. Witness. Mr. President, this might be an opportune
3 time for a break.

4 MR. PRESIDENT:

5 I'd like to inquire whether the Lead Co-Lawyers for civil party
6 would like to put some questions to the -- this witness. If so,
7 how much time do you anticipate?

8 MR. PICH ANG:

9 I need to use about 20 minutes to put questions to this <civil
10 party (sic)>.

11 MR. PRESIDENT:

12 <He is a witness.> And <the International> Deputy Co-Prosecutor,
13 you have the floor.

14 [11.34.57]

15 MR. BOYLE:

16 I just wanted to make sure that there wasn't any confusion. I
17 have additional questions as well. That was just a natural point
18 for a break, I was suggesting, and I believe that given that we
19 didn't get a full session yesterday or -- or in the session that
20 is just about to complete, we still have some additional time.

21 MR. PRESIDENT:

22 And how much time do you anticipate then? We actually have lost
23 some time due to other matters this morning. It means we -- we
24 took about 25 minutes of your combined time and the Lead
25 Co-Lawyers <for civil parties> just said that they <would> need

1 about 20 minutes.

2 So how much time do you anticipate? And if -- we would like to
3 remind you that the combined allotted time for you and the Lead
4 Co-Lawyers is two sessions and you <> already <used one session>
5 yesterday<, and we even extended the hearing to 4:05 p.m.> and
6 this morning <we> lost about <15> minutes due to other procedural
7 matters and <so the Chamber would grant both the Co-Prosecutors
8 and> the Lead Co-Lawyers <for civil party additional 25> minutes
9 <to put questions to this witness>. Please let us know.

10 [11.36.26]

11 MR. BOYLE:

12 Mr. President, by my calculation we began -- in the final
13 afternoon session yesterday, we had about half an hour yesterday
14 when we began questioning the witness and then we've had about 40
15 minutes this morning and so we should have approximately another
16 hour, perhaps a bit less combined between the -- the civil
17 parties and -- and the Co-Prosecutors to -- to question this
18 witness.

19 MR. PRESIDENT:

20 The Chamber <now> decides to give you a combined remaining time
21 <up to a maximum> of 40 minutes <to the two Parties> and you can
22 do that after we return from the lunch break this afternoon.

23 It is now appropriate for a lunch break -- to take a break now
24 and resume at 1.30 this afternoon.

25 Court Officer, please assist the witness at the lunch break and

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1 invite him back into the courtroom at 1.30 this afternoon.
2 Security personnel, you're instructed to take Khieu Samphan to
3 the waiting room downstairs and have him returned to attends the
4 proceedings this afternoon before 1.30.

5 The Court is now in recess.

6 (Court recesses from 1137H to 1335H)

7 THE PRESIDENT:

8 Please be seated. The Court is in session.

9 The <Chamber now> gives the floor to the <International> Deputy
10 Co-Prosecutor to resume <his line of> questioning. You may now
11 have the floor.

12 [13.36.08]

13 BY MR. BOYLE:

14 Thank you, Mr. President.

15 Q. Mr. Witness, I would like to now move on to discussing the
16 third individual from Pou Chentam village who was Vietnamese
17 ethnicity, Mr. Tep Chuy; and can you tell us what happened to Mr.
18 Tep Chuy?

19 MR. THANG PHAL:

20 A. Regarding Chuy, I did not know <as to> when he was sent out.
21 <By the time of my return, the> village was quiet<; and he had
22 been sent out already>.

23 Q. So are you saying that you heard afterwards that he had been
24 sent out?

25 A. Yes, that is true. I heard that he had been sent out.

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1 Q. And did you hear any other of the details of how he was sent
2 out?

3 A. I did not know <the detail of how> he had been sent out<. I
4 just knew that he had been sent out, but not towards which
5 direction he had been sent out. Only when> I got home <did I
6 learn that they had been sent out>.

7 [13.38.00]

8 Q. So am I to understand that he was sent out before you returned
9 from your trip where you were cutting rumpeak vine?

10 A. He had been sent away before I was sent back home from cutting
11 and collecting rumpeak vine.

12 Q. Did you ever hear who came to take him away, either names or
13 what their positions were?

14 A. Allow me to tell the Court <that> I did not know <of> the
15 <detail of the incident. By the time of my return, the village
16 became very quiet>.

17 Q. I would like to read you a section of a statement and this is
18 a DC-Cam statement E3/7562. It's a DC-Cam statement of 2-TCCP-869
19 at English ERN 01170694 to 95 and Khmer ERN 00034092.

20 The question that's asked is to the individual: "Was the person
21 who took Chuy away the village chairperson or from the militia?"

22 Answer: "He was from the militia. The village chairperson had
23 ordered him to come to take my husband away. That militia man did
24 as ordered."

25 Mr. Witness, does that refresh your memory that it was members of

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1 the commune militia that came to take Chuy away?

2 [13.40.46]

3 A. Concerning the arrest of Chuy, again and again as I said, I
4 did not know <of the details as to> how and when he had been
5 arrested. After I got back home <from collecting rumpeak vine,> I
6 noticed that the village was so quiet. I heard <people whisper
7 around> that the Vietnamese <including Chuy and Lach Ny's wife
8 had been> taken away <for> a study session <>. This is all I
9 know. <Again, I did not know what happened afterwards.>

10 Q. Have you seen Chuy since he was taken away?

11 A. Since he <had> been taken away, I never saw him again. I have
12 never seen him since that time.

13 Q. Was his wife also taken away?

14 A. His wife and his child <-- both of his> children, were at
15 home. They were not taken away. <They are still living to this
16 day.>

17 [13.42.12]

18 Q. Thank you. So I want to just clarify that three individuals
19 that we discussed: Din Oeun; the wife of Lach Ny, whose name you
20 don't remember; and Tep Chuy; once they were taken away, is it
21 correct that there were no longer any people of Vietnamese
22 ethnicity in Pou Chentam village?

23 A. During the time only -- there were only <> three Vietnamese
24 <people in the village>. No other Vietnamese were living in that
25 village.

1 Q. Thank you. At any time after the Khmer Rouge arrived in your
2 village, did you ever hear them make any announcements or any
3 statements regarding people of Vietnamese ethnicity?

4 A. There was no -- there was no -- any announcement <with that
5 regard> at the time. I <> never heard of any <such> announcement.
6 [13.43.42]

7 Q. I would like to read to you a statement and this is from a
8 first cousin of the wife of one of the individuals you mentioned.
9 The document is E3/7559 and it's a DC-Cam statement of 2-TCW-843.
10 The English ERN is 00321978, Khmer is 00034290, and French is
11 000854140; and this is what this individual said in regards to
12 their arrival in Pou Chentam:

13 "At first, they rounded up 'Yuons'. A Pot, when they arrived,
14 they hated the East Zone group. They said all the ethnic 'Yuons'
15 must be taken to be killed because they are all 'Yuons', all our
16 Viet Cong who attack them. Regardless they were 'Yuong' traders or
17 'Yuong' soldiers. All 'Yuons' must be rounded up, including men
18 and women."

19 Mr. Witness, did you ever hear any of the Khmer Rouge in your
20 village say that all of the Vietnamese in your village had to be
21 rounded up?

22 A. Concerning the gathering of "Yuong", I never heard of it. <Only
23 after I had> heard of <Ngang's arrest was I aware of such an
24 event. However, before that, I never heard that Vietnamese were
25 being arrested, taken away and killed. The Angkar could have kept

1 it confidential>.

2 [13.45.55]

3 Q. Did you ever attend any meetings in your village after the
4 Vietnamese were taken away?

5 A. I never attended any meetings. As I said, I was simply an
6 ordinary citizen. I was asked -- I was <always out working in the
7 fields, and got involved in building dykes in paddy fields, and
8 digging canals. To be exact, I rarely stayed in the village>.

9 Q. Were you ever aware of more senior Khmer Rouge officials
10 visiting your village and inquiring about the enemies' residence
11 who might be there?

12 A. I never saw <any of> the senior people <of> Khmer Rouge
13 <during the regime>; they never let us see their faces. <In
14 fact,> I <> never saw them.

15 Q. Thank you very much. I have just a couple of more questions
16 that I would like to ask you and this goes back to the Wat Ou
17 Kandaol that you stated before was being used as a district
18 security office at the time. Have you ever heard in relation to
19 Wat Ou Kandaol of a place called Veal Touch or Veal Touk
20 (phonetic)?

21 A. Veal Thuch (phonetic), I have never heard of the place before.

22 MR. SENG LEANG:

23 Veal Touch?

24 MR. THANG PHAL:

25 A. Yes, there was a place called Veal Touch<. The> place <was

1 referred to as Veal Touch -- Kuol Tnaot (phonetic)> where I <went
2 to collect> rumpeak vines.

3 [13.48.32]

4 BY MR. BOYLE:

5 Q. In relation to the district security office, did you ever hear
6 anything about whether this place, Veal Touch, had a connection
7 to the district security office?

8 A. <> Veal Touch village or Kuol Tnaot village <> had nothing to
9 do with that security office. It was located far away from that
10 Wat Ou Kandaol. It was <rather closer to Prey Ta Pov>, the place
11 where I <went to collect> rumpeak vine as well.

12 (Short pause)

13 [13.49.55]

14 Q. I will ask one more question before asking to see if I can
15 refresh your memory. Did you -- did you ever hear that Veal Touch
16 was used as a killing site?

17 A. <People just kept referring to> Veal Touch -- <Kuol Tnaot
18 (phonetic)> village <as an execution site, while, in fact, the
19 execution site still remained> in the vicinity of Wat Chas. It
20 was about one kilometre apart from each other<, but in order to
21 go to Wat Chas, one had to go past the village>.

22 Q. So, am I to understand that the place that you just described
23 that it was about a kilometre from the wat, is it difference from
24 the place that you went to cut rumpeak vine?

25 A. The two places were far away from <each other. Wat Chas or> Ou

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1 Kandaol was located in an open field and behind the village there
2 was a forest named <Prey L'pov> (phonetic).

3 Q. Did you ever hear whether the Veal Touch that is near Wat Ou
4 Kandaol was used as a killing site? That is one kilometre from
5 Wat Ou Kandaol. Did you ever hear that that site was used as a
6 killing site?

7 A. People made mention <> that people had been taken away to Veal
8 Touch <security centre. However, I did not see or know how it
9 happened.> It was a rumour at the time.

10 [13.52.20]

11 Q. And did you ever hear that any Vietnamese from Svay Antor were
12 brought to that site?

13 A. <I never heard that> Vietnamese <had been> taken to Veal Touch
14 <>. I <just> heard that <they> had been taken away <towards the
15 east direction for> a study session. <Again,> I did not know at
16 the time where they had been taken to exactly.

17 Q. Thank you, Mr. Witness.

18 Mr. President, I have no further questions.

19 MR. PRESIDENT:

20 Thank you. The floor is now given to Lead Co-Lawyers for civil
21 parties to put questions to this witness. You have the floor now.

22 [13.53.29]

23 QUESTIONING BY MR. PICH ANG:

24 Good afternoon, Mr. President, Your Honours, parties, everyone in
25 and around the courtroom.

1 Good afternoon, Mr. Witness. My name is Pich Ang. I am a Co-Lead
2 Lawyer for civil parties. I have several questions to put to you
3 and I need your clarification on those questions.

4 Q. First, concerning <a person by the> name Ngoy, <son> of Ngang,
5 could you clarify it for the Court <whether> this person <was a
6 different> individual <from the man> who was chief of militia
7 <group> in the <commune>?

8 Mr. THANG PHAL:

9 A. Ngoy was from Thlav village. He was a militiaman within Svay
10 Antor commune.

11 Q. Does this mean that there were two Ngoys: one was <the son> of
12 Ngang, <while the other one> was the security guard in Svay Antor
13 commune; is that correct?

14 A. Yes, that is correct.

15 [13.54.56]

16 Q. I have another question for your clarification regarding the
17 person who was <walking> with you <and Ngang when> you <were
18 returning> from the place <where> you <collected> rumpeak vines.

19 So can you clarify that person's name once again, since I did not
20 hear it clearly last time?

21 A. The person who <was returning from collecting the vines and
22 later on took> Ngang -- who took Ngang <away> was Seng, the
23 deputy <village> chief<>.

24 Q. What was -- which village was he in charge?

25 A. He was <a deputy chief> of Pou Chentam village.

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1 Q. I have another question for you, Mr. Witness. You made mention
2 <of> the disappearances of three Vietnamese people. Did you know
3 the person by the name <of Ear Pov> (phonetic)?

4 A. No, I did not <>.

5 [13.56.19]

6 Q. Very well. <Since you do not know the individual,> I will not
7 ask questions concerning that person.

8 Regarding the treatment of Vietnamese before the disappearances
9 of <the three> Vietnamese <people>, meaning that after 1975 until
10 the time that the three individuals disappeared, did they have --
11 were they treated in the same way as those who were living in
12 that Pou Chentam village<. Had they been forced to work harder
13 than other Base People? Had they been mistreated?>

14 A. The three individuals were assigned to do normal tasks
15 <including> transplanting rice and working the fields. So they
16 <were not assigned to do any abnormal> tasks <>.

17 Q. Did you observe that they were treated differently from other
18 Base People? Were they discriminated?

19 A. Frankly speaking, they had normal relationship <with others>
20 within the village; no one discriminated <against> them within
21 the village.

22 Q. I would like to ask about the time when they disappeared. Do
23 you recall when they disappeared? <How many months> before <or
24 after> the arrival of the <southwest cadres did they disappear?>

25 A. They had disappeared before the Southwest cadres arrived.

1 [13.58.51]

2 Q. How long before the arrival of the Southwest cadres <did> they
3 <disappear, in your estimation>?

4 A. They disappeared <or were taken away in either> late 1976 <or>
5 early 1977.

6 Q. I want to ask you another question about the arrival of the
7 Southwest cadres. When did they arrive exactly? Did they arrive
8 in <1977 or 1978>?

9 A. The Southwest <cadres> arrived in 1978 <when a coup was being
10 initiated>.

11 Q. So how long before the arrival of Southwest cadres that they
12 disappeared?

13 A. I did not recall it, counsel. I did not <pay attention to the
14 date of> that disappearance during the time.

15 Q. I am moving to another topic concerning <> Buddhism. <Between>
16 17 April 1975 and 1979, were there still monks<? And were people
17 allowed to practice their religious faiths> within your village?

18 A. There were no more monks after 1973 during -- before that
19 time, I was also a monk and I left monkhood in 1972. And as I
20 said, from 1973 <and throughout the regime>, no more monks were
21 in robes.

22 [14.01.07]

23 Q. Did you leave monkhood voluntarily on your own initiative or
24 were you forced to leave monkhood?

25 A. There was pressure at the time from time to time. That is why

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1 I decided to leave the monkhood. Why I said that, because during
2 the time when I was a monk I went around <collecting alms> and I
3 heard people say that monks were those who exploited people.
4 <Having heard that, I asked my parents to leave monkhood>.

5 Q. Who said this to you?

6 A. <Pou Chrey villagers> said that <when I was going around
7 collecting alms in the village, but I do> not recall his or her
8 name exactly. He <might be dead by now>.

9 Q. How many pagodas there were in your commune and, if you know,
10 give us the names?

11 A. In the commune where I lived, there were two pagodas, Thlav
12 and Svay Antor.

13 Q. Between 1975 and 1979, were the pagodas still used or were
14 they abandoned? And if they were still being used, what were they
15 used for?

16 A. <Between> '75 <and> '79, there were no longer any monks living
17 in the pagoda and the Khmer Rouge assigned their own people to
18 live in those pagodas.

19 [14.03.03]

20 Q. Were they used as sleeping quarters or were they used as
21 warehouses?

22 MR. PRESIDENT:

23 Witness, please observe the microphone.

24 MR. THANG PHAL:

25 A. I did not know for sure. When there were no longer any monks,

1 the Khmer Rouge went to reside there.

2 BY MR. PICH ANG:

3 Q. This is my last question in relation to Buddhism. Between 1975
4 and 1979, were Buddhists' religious ceremonies allowed to be
5 celebrated in your village and commune?

6 A. Between 1975 and '79, we were not allowed to celebrate any
7 Buddhist religious ceremony.

8 [14.04.05]

9 Q. Thank you. I will now move on to another subject, and this is
10 in relation to Mr. Lach Ny. You stated that his wife was taken
11 away and that he had some mental problems after that. Am I
12 correct in stating so?

13 A. When Lach Ny's wife was taken away he became mentally
14 unstable. He went around the village crying and shouting and that
15 lasted for about a fortnight. And after that, with the assistance
16 of the villagers, he became better.

17 Q. What did they do to him in order to make him better?

18 A. He became better with the support of the villagers and his
19 relatives. That's what happened.

20 Q. Did he remarry before the end, before 1979?

21 A. Yes, later on he remarried.

22 Q. Was it before or after 6 January 1979?

23 A. He remarried another woman under the Khmer Rouge regime.

24 [14.06.04]

25 Q. Did you know whether the marriage ceremony was organized only

1 for him or were there many couples?

2 A. I only knew that he remarried another woman and from what I
3 heard, he was the only man or he was the only groom.

4 MR. PICH ANG:

5 Thank you, Mr. Witness, for answering my questions and, Mr.
6 President, I don't have any further questions for this witness.

7 MR. PRESIDENT:

8 Thank you. We would like now to hand the floor to the defence
9 teams for -- to the defence team; first to Nuon Chea defence to
10 put questions to this witness. You may proceed, counsel.

11 [14.06.58]

12 QUESTIONING BY MR. KOPPE:

13 Thank you, Mr. President.

14 Q. Good afternoon, Mr. Witness. I have a few questions that I
15 would like to put to you this afternoon.

16 The events that you have been describing this morning, the
17 disappearance of those three people, you situated that in time,
18 late '76 and early 1977. My question is: are you sure about this
19 time period?

20 MR. THANG PHAL:

21 A. I recall it clearly and there is also a statement that I
22 provided during the interview.

23 Q. You've just placed arrival of Southwest Zone cadres in time,
24 end of '78. So the events that you described would be about one
25 year, one year and a half before the Southwest Zone cadres

1 arrived; is that correct?

2 A. I cannot recall the exact period. However, the event took
3 place may be a year earlier or maybe half a year earlier.

4 [14.09.05]

5 Q. In your statement to the investigators of the Investigating
6 Judge, you also indicate that these events not only took place
7 about late '76 and early '77, but also what you call "before the
8 So Phim event". What did you mean when you talked about the So
9 Phim event?

10 A. Concerning the So Phim event, I stated that the killing took
11 place before the arrival of the Southwest in the East Zone.

12 Q. But what is the So Phim event? What exactly is that? Or maybe
13 I should ask first, who is So Phim?

14 A. I do not know which position he held. I only heard that So
15 Phim was a leader in the East Zone.

16 Q. Correct, but what is the So Phim event? What is the event that
17 refers to his name? What do you mean with So Phim event?

18 A. I referred to the So Phim event. That was the time that I also
19 referred to the group of the Vietnamese who were taken <away from
20 the village> and executed.

21 [14.11.30]

22 Q. I will repeat my question. You used the words in your
23 statement, "the So Phim event". What exactly is the So Phim
24 event? What did you mean when you said that?

25 A. I refer to the time that villagers in my village were gathered

1 <>, taken away and killed.

2 Q. I understand that we've been discussing the alleged
3 disappearance of those three people this morning, but why do you
4 refer to the disappearance in terms of the So Phim event? Can you
5 explain that? What does So Phim have to do with those three
6 people?

7 A. I refer to So Phim event because at that time So Phim was
8 still in charge.

9 [14.13.10]

10 Q. But see, if I would be able to assist you a bit, there is a
11 witness at E3/9339 who also speaks about So Phim and is a person
12 from your village, and English, ERN 00234115; and Khmer, 00232824
13 and 5; and French, 00283171/172. This person speaks about people
14 associated with So Phim's network and sub-district secretary Chin
15 Kran, who held an office for only one week, was also taken and
16 killed by the Khmer Rouge because he was in So Phim's network --
17 that is, the person who also the villagers speak about So Phim's
18 network. Does that mean anything to you?

19 A. I was not aware of that event or person. I did not have any
20 relationship or contact with this individual, and as I said, I
21 was an ordinary villager. I did not have anything to do with
22 that.

23 Q. So you never heard villagers speak about these three people
24 having anything to do with So Phim's network; is that correct?

25 A. Are you referring to these three Vietnamese or another set of

1 three individuals?

2 [14.15.42]

3 Q. No, those three Vietnamese people that we discussed this
4 morning: Ngang, Lach Ny, and the husband of Din Oeun, Chuy. Did
5 villagers ever speak about those three people having something to
6 do with So Phim's network?

7 A. In the village I did not hear anything about that nor anything
8 to do with So Phim network.

9 Q. You said that So Phim was a leader in the East Zone. Do you
10 know in which sector in the East Zone your commune was?

11 A. I was not that familiar with the administrative sector of the
12 village commune or district.

13 Q. Have you ever heard of Sector 20?

14 A. I heard about Sector 20 but I did not know where it was. I
15 heard people referring to Sector 20.

16 Q. So you don't know that your village or your district was
17 actually in Sector 20? You just heard people speak about Sector
18 20; correct?

19 A. Yes, that's what I heard but I did not know which villages or
20 communes were under that sector.

21 [14.18.18]

22 Q. Have you ever heard of someone called Chea Sin, S-I-N, also
23 known as Sun?

24 A. No. In my village, I never heard of this name. That name does
25 not ring a bell to me.

1 Q. And have you ever heard of the chief of your district, someone
2 with the name Leang, also known as Kror Ling Kror Long?

3 A. The district chief in my area was known as Ta Changkaum
4 Prambei. I only heard of his name and I never saw him. However,
5 later on he was replaced by someone else.

6 Q. Do you mean Ta Changkaum, also known as Sarun?

7 A. I did not know how many aliases he had; I only heard that Ta
8 Changkaum Prambei was the district chief.

9 [14.20.05]

10 Q. Have you ever, in the period between 1975 and '79, heard the
11 sounds of warfare, of armed conflict of artillery being fired
12 from Vietnamese territory into Kampuchea?

13 A. I heard of gunfire in 1979. I heard that the Vietnamese side
14 shelled the Kampuchean territory.

15 Q. Have you also heard of shelling from Vietnamese territory into
16 Kampuchea in the last months of 1977?

17 A. At that time I heard the Vietnamese had shelled into
18 Kampuchean territory. However, I was far from the border. I was
19 in Svay Antor and I did not hear the sounds. I only heard people
20 talking about the sounds of shelling.

21 Q. And what did they tell you when they spoke about the
22 Vietnamese shelling in '77?

23 A. I was told that Vietnamese were shelling into Kampuchean
24 territory. That's all I heard and I did not pay much attention to
25 that <as I did not hold any prominent position.>

1 [14.22.19]

2 Q. Have you heard anything of Vietnamese troops and Vietnamese
3 tanks entering Kampuchean territory in those months in 1977?

4 A. I cannot recall such an event in 1977, and I did not know more
5 than what I have told you.

6 Q. I understand. Let me move on to another question. You spoke
7 about Chuy, the husband of Din Oeun. Have you ever heard that
8 Chuy was a former Vietnamese soldier?

9 A. Chuy, to my knowledge, was not a soldier. He was a merchant.

10 Q. So you never heard that he had been fighting in the Vietnamese
11 army before '75?

12 A. No, I never heard about that, and that is the truth. I never
13 heard that he was a soldier at all. And when I saw him, he
14 already got married. Rather, he already had his wife and they did
15 not actually have any proper marriage ceremony.

16 Q. Have you ever heard whether he was someone who was smuggling
17 goods from the border, from one country to another country over
18 the border; in other words, smuggling goods from Vietnam into
19 Kampuchea?

20 A. No, I have no knowledge of that at all.

21 [14.25.29]

22 Q. Have you ever heard an announcement in 1975 that everyone who
23 was of Vietnamese origin in your village or your commune or your
24 district had to leave Kampuchea and had to go back to Vietnam?

25 A. Regarding the so-called meeting, I never attended such a

1 meeting and here I repeat my statement again. At the time I
2 focussed on working in the field, digging canals or building
3 them, and I did not have anything to do with those meetings.

4 Q. Earlier this afternoon you answered a question from the
5 prosecution whether you ever heard the village chief or any cadre
6 from Democratic Kampuchea government speak about Vietnamese,
7 whether Vietnamese people were targeted because they were
8 Vietnamese. You answered no, that you never heard such things.
9 Have you ever heard anything on the radio saying such things or
10 have you ever heard villagers who had listened to the radio
11 speaking about these things or is it something that you never
12 heard?

13 A. Regarding the Vietnamese people, at that time I never heard of
14 any radio announcement about that. The broadcast was of the
15 revolutionary songs all day long.

16 [14.27.44]

17 Q. But when the songs were finished, did they ever speak about
18 Vietnamese people? Did you ever hear anyone say something on this
19 topic on the radio, or nothing at all?

20 A. No, I did not hear anyone say anything regarding this matter.
21 And I also did not pay attention to such a matter. <Like other
22 villagers, my> attention was on the work that I was assigned.

23 Q. Would you be able to explain as to what the reason might have
24 been that villagers were, as you say yourself, whispering that
25 the Vietnamese were arrested because they were Vietnamese?

1 Where did those villagers, when they were whispering to each
2 other, got this information from?

3 Is that clear to you or is it just something that villagers were
4 whispering and you don't know what the source of this whispering
5 is?

6 A. Regarding the whispering about the Vietnamese, I heard about
7 it when the three people were taken away. I heard the people
8 saying about that, that they were taken away for re-education.
9 That's all I heard.

10 [14.29.50]

11 Q. I understand your answer, but is it possible for you to
12 explain where this whispering came from, who started this
13 whispering and who started, for instance, saying that if a
14 Vietnamese woman would have children then also the children would
15 not be spared? Who came up with this whispering? Who was the
16 origin?

17 A. Regarding this whispering, in fact the whispering only took
18 place after that event. It was not before that. So after the
19 events that the Vietnamese were gathered up and sent away for
20 re-education, then people whispered about that. And <before>
21 that, nobody said anything about it.

22 [14.31.19]

23 Q. So is it then fair for me to say that the only possible
24 evidence that we have that these people were sent for
25 re-education, these people from your village, was because

1 villagers whispered it? That is the only source of your
2 information or the source of the villagers' information; is that
3 correct?

4 A. I heard that people whispered only after those people had been
5 sent away, including Lach Ny's wife. And of course it's not that
6 people would go and whisper to another one and that person would
7 subsequently whisper to another one. The whispering took place
8 only after the unfolding of that event. <No such whispering
9 before the event.>

10 Q. One very last question unrelated to this topic that is a
11 follow-up question in relation to the monks not being allowed or
12 people not being allowed to be monks anymore. In your statement
13 you say that this was since 1973. Literally, you say there was no
14 monk anymore since 1973. How do you know or how do you remember
15 it was 1973?

16 A. The reasons that I knew there were no longer any monks after
17 1973, because by that time monks who stayed in the pagoda were
18 instructed to leave the monkhood, including the chief monk.

19 [14.33.35]

20 Q. And do you know that the chief monk left the monkhood in 1973
21 because he was told to leave the monkhood? Was that 1973, one
22 year after you left the monkhood?

23 A. To my observation, the chief monk in my pagoda left the monks'
24 cells together with other monks. And at the time, I did a massage
25 for the chief monk in <Pou> Chrey village. I was part of a mobile

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1 unit at the time and since the chief monk felt pain on his body,
2 I was there to do him a massage. <I have never seen him again
3 after that.>

4 MR. KOPPE:

5 Thank you very much, Mr. Witness.

6 Thank you, Mr. President.

7 THE PRESIDENT:

8 The floor is now given to the defence team for Mr. Khieu Samphan
9 to put questions to this witness. You have the floor now,
10 counsel.

11 [14.35.10]

12 QUESTIONING BY MR. KONG SAM ONN:

13 Thank you, Mr. President.

14 Good afternoon, Mr. Witness. My name is Kong Sam Onn. I am the
15 National Co-Counsel for Mr. Khieu Samphan. I have a few questions
16 to ask you.

17 Q. A while ago you stated that you were not aware <that> the
18 three Vietnamese <who> were <arrested were actually> former
19 Vietnamese soldiers. I want to <seek for your> clarification <on>
20 the three individuals. When did you know the three individuals --
21 I mean the Vietnamese people? Did you know them at the same time
22 or <did> you <know them> one <> after another?

23 A. I first knew Ngang and later on I knew Ny's wife, and <lastly
24 I knew Chuy who was the wife of> Oeun <>. It was when -- it was
25 during the war. It was after the war <that> Oeun got married.

1 [14.36.58]

2 Q. Could you clarify the exact year, when exactly or which year
3 exactly did you know each individual?

4 A. Let me tell the Court, I cannot recall the exact year when I
5 started to know each of them.

6 Q. Thank you. In document E3/7809, ERN in Khmer, 02 -- sorry --
7 00271368; English, 00282563; French, 00486104; let me quote an
8 extract from a WRI of a witness. And I believe you know that
9 person. He said he was a former Vietnamese soldier "who came to
10 make a living and to live in Pou Chentam village."

11 I have a question for you, Mr. Witness. Does this refresh your
12 memory and what is your reaction to the extract that I have just
13 read to you?

14 A. My apology, counsel. Regarding Chuy and Oeun, the two
15 individuals were living close to one another and for me I was
16 living about 500 metres away from Oeun, so I did not know for
17 sure about the background of Chuy.

18 [14.39.55]

19 Q. Thank you. How close were you in terms of friendship <while
20 living in Pou Chentam village>? How close were you with Chuy
21 before Chuy had been arrested?

22 A. We were living far away from each other and we would sometimes
23 meet each other<, and greeted each other>. And the person who
24 gave the statement may have been living close to Chuy's house.
25 And as I said, I was living away from him. I did not know for

1 sure <of> his background. Sometimes we encountered along the way
2 and we may ask each other how we were. And I did not have time to
3 sit and chit-chat with him.

4 Q. Thank you. What about the other two Vietnamese individuals?
5 Could you describe your relationship with two other Vietnamese
6 individuals that you knew?

7 A. I lived away from - in fact in a far place from Ny but we
8 worked <together> in the same cooperative and Ngang was also
9 <working together with me,> we used to work together in the
10 field. <His house was close to mine.> And Chuy, as I said, I
11 lived in a far place from Chuy.

12 [14.41.55]

13 Q. Thank you. I want to quote another document, E3/7559, Khmer,
14 ERN 00034292; English, 00890542; French, 00854142. Let me quote:
15 "The 'Yuon' came from their country. Before they were former
16 soldiers, and after they stopped being soldiers, they married to
17 Cambodian women."

18 I would like to make a summary of the statement which I have just
19 quoted; perhaps you may not have understood what I quoted. The
20 witness -- the witness made mention that the three Vietnamese
21 individuals were former Vietnamese soldiers and they came to
22 reside in Kampuchea. And as you stated before that you had seen
23 many Vietnamese soldiers, more than Khmer soldiers <since> 1970,
24 and you also stated that the Vietnamese people married Cambodian
25 people. So did this refresh your memory and what is your reaction

1 to it?

2 A. The statement that the three Vietnamese were former Vietnamese
3 soldiers <> is not true. <The two other couples had been married
4 in the former regime, and> Chuy was a newcomer and I did not know
5 when Lach Ny's wife became a soldier. She was a <woman> and how
6 could she <> be a soldier? I am telling the truth. I can swear
7 before the Iron Club Statue. I do not give any untrue statement
8 here. <I am telling you from what I know and have been through. I
9 cannot tell you beyond what I know.>

10 [14.44.52]

11 Q. Perhaps the witness <was referring> to the male Vietnamese
12 people. The witness may have thought that those people were men.
13 Now, I want to refer to your testimony you gave this morning. You
14 made mention that when you were assigned to collect rumpeak
15 vines, Angkar went to call you back. And you stated that Seng was
16 the deputy chief <of the village> who went to call you back home.
17 My question is: how did -- how were you instructed to use the
18 term "Angkar"? Did anyone tell you to use that specific term,
19 "Angkar"?

20 A. The term "Angkar" means that everyone who was in charge of any
21 functions <was> considered Angkar. <People from the level of a
22 village chief upwards were being referred to as Angkar>.

23 MR. PRESIDENT:

24 Counsel, do you still have many more questions?

25 MR. KONG SAM ONN:

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1 Mr. President, I still have <some> questions, but I think it is
2 time we should take the break.

3 MR. PRESIDENT:

4 Thank you. So it is now the break time. We may take the break now
5 and resume at 3.00.

6 Court officer, please assist the witness in the waiting room
7 during the break time and please invite him back into the
8 courtroom at 3.00.

9 The Court is now in recess.

10 (Court recesses from 1446H to 1503H)

11 MR. PRESIDENT:

12 Please be seated.

13 The Chamber is now back in session and the Chamber give the floor
14 to the defence counsel for Khieu Samphan to put more questions to
15 the witness. You may now proceed.

16 BY MR. KONG SAM ONN:

17 Thank you, President.

18 Q. And good afternoon, witness. I have <more> questions <to put
19 to you,> and the question was already asked by the International
20 <Deputy> Co-Prosecutor. The question was that: "Was there someone
21 coming to the village and asking for the Vietnamese?" And you
22 answered that: "They did not ask me. If they came to ask for the
23 Vietnamese they would ask the village chief." Do you still
24 remember this?

25 [15.05.13]

1 MR. THANG PHAL:

2 A. Regarding this question, I remember that they did not come to
3 ask me. If they came to ask, they <would go and ask> the village
4 chief.

5 Q. Thank you. I would like to ask you, why did you know that
6 they came to ask the village chief? Was it your estimate or was
7 it come from someone who told you about this information?

8 A. First, they came to ask the village chief and the village
9 chief knew about what's going on in the village about who just
10 arrived and who went out of the village. So I would like to
11 clarify that they came to ask the village chief, not the ordinary
12 villagers.

13 Q. I have another question. So was it your <assumption> that they
14 came to ask the village chief? Was it just your <assumption> or
15 was it the real information that you received?

16 A. It's based on what I thought, that I thought that they would
17 contact the village authority first.

18 [15.07.28]

19 Q. So that means that you did not receive the information by
20 yourself and that also means that no one really informed you
21 about the arrival of people who came to the village asking for
22 the Vietnamese; is that true?

23 A. Based on my assumption, I thought that they would approach the
24 village authority first.

25 Q. Thank you. Now, I would like to ask you about the person named

1 Ngang that you told the Chamber that you went to cut rumpeak vine
2 together with him.

3 A. Yes, that's correct.

4 [15.08.35]

5 Q. Thank you. You also said that when you came back from cutting
6 the rumpeak vine <on the order of Seng,> the <deputy> village
7 chief<,> you walked in front of the group. And Ngang, you said
8 that Ngang had his leg injured. I would like to ask you <> how
9 far it <was the place> you met Seng <and the place> where <the
10 chain of his> bicycle <went out of order>? Could you tell us how
11 far <was> it from the place where you walked with Ngang and the
12 place where <the bicycle of> Seng <went out of order>?

13 A. When the village chief told us to come back from cutting
14 rumpeak vine, we all walked together. The village chief,
15 sometimes he walked <his bicycle> in the middle. Sometimes he
16 walked in the front and we were all together. And when we
17 approached <a place close to> the security centre, he told us to
18 go and <asked> Ngang to stay <behind in order to help him
19 reassemble the chain of his> bicycle. <I was actually offering to
20 help, but he refused, and asked me to go head as he would be
21 catching up soon.> So I left.

22 Q. So could you tell us how far was it from each other?

23 A. I left him, and it was about 200 or 300 metres away and I
24 waited there. <But they never caught up with us; thus, we
25 continued towards the village.>

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1 Q. Thank you. The path that you walked, was it <the only path in>
2 the forest <> or <were there other roads or paths>?

3 MR. PRESIDENT:

4 Please observe your microphone.

5 [15.11.08]

6 MR. THANG PHAL:

7 A. <It was the only> road. It <was an old and rough> dirt <path
8 or track>. And besides that they were all paddy fields.

9 BY MR. KONG SAM ONN:

10 Q. Thank you. When you walked away, did you meet anyone on the
11 way?

12 A. At the time it was quiet; there were no one on the road. So
13 only seven or eight of us walked on the road and we met no one.

14 Q. Thank you. You also said that you walked away and you waited
15 for Ngang. I want to ask you that you did not witness what
16 happened to Ngang; is that true?

17 A. That's correct. I did not know. I did not witness anything
18 because I was far away.

19 Q. Thank you. I would like to get your clarification. You also
20 said that Ngang's wife came to ask you and you told her that
21 Ngang would follow, so is that correct?

22 A. That's correct. She came to ask me and then I told her that
23 Ngang would come later on.

24 [15.14.10]

25 Q. I would like to quote from a document, from document E3/7810.

1 It is the testimony of TCW-957. I would like to quote now, ERN
2 Khmer, 002772 -- sorry, 71388, on page 2; in French, 00486112; in
3 English, 00282333. I would like to quote now: "Later on the
4 villager named Huy told me that Ngang was instructed to go back
5 to cut 'rum peak' vines. And as for him, he came back."

6 I would like to ask you that, did you tell anyone that Ngang was
7 instructed to go back to cut rumpeak vines?

8 A. I would like to tell you that that's not true. No one told me
9 that.

10 Q. Thank you. Now, I would like you to clarify a point related to
11 the date.

12 You mentioned in your statement and also in the Chamber that the
13 event of the arrest of the three Vietnamese was in late 1976 and
14 early 1977. And you mentioned that this is the correct statement.
15 So do you stick to your previous statement or you would like to
16 change it?

17 A. I kept my -- I keep my previous statement that in late 1976
18 and early 1977.

19 [15.17.37]

20 Q. Thank you. I would like to quote from testimony and I would
21 like you to give your response to this document, document
22 <E3/78/10, ERN Khmer, 00271389; French, 00486112;> and in English
23 it's <00282333>. I would like to quote: "During the Khmer Rouge,
24 I lived in Pou Chentam until <late> 1978. About a month after my
25 husband was arrested, I was evacuated to the west somewhere in

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1 Pursat or Battambang. I could not remember the village, the
2 commune there. I stayed there for two or three months and then I
3 returned back to my home village <before> 7 January 1979."

4 After you listened to this testimony, do you have any reactions
5 regarding this date?

6 A. I have no reaction toward this. <I standby what I said.>

7 MR. KONG SAM ONN:

8 Thank you. Mr. President, I have no more questions to put to the
9 witness.

10 [15.19.32]

11 MR. PRESIDENT:

12 The Chamber would like to express our thanks to the witness and
13 your testimony to the Court now comes to an end. Your presence at
14 the ECCC is useful to the Court and now you may return back to
15 <your home or wherever you wish to go>.

16 Court officer, please facilitate Mr. Thang Phal to help him go
17 back to his home.

18 Now, the Chamber will listen to the testimony of Mr. Sos Romly
19 regarding the treatment of the targeted group of ethnic Cham and
20 he has his counsel, Sovann.

21 So we would like to instruct the Court officer to assist the
22 witness and his counsel to come into the courtroom.

23 (Short pause)

24 (Witness enters courtroom)

25 [15.21.58]

1 MR. PRESIDENT:

2 <Before> the floor is given to the Co-Prosecutor to put questions
3 to the witness, the Chamber would like to let <parties and> the
4 witness, <Mr. Sos Romly,> know <> that <> the Chamber asked
5 already about the background questions and also the Chamber has
6 advised the witness concerning his rights and obligations. And in
7 addition to this, the Chamber has also asked whether or not the
8 witness has already taken an oath and <because> there was <a
9 conflict of interest: the witness and another witness had the
10 same lawyer, there was an objection from the defence team
11 regarding this matter and because> there was sufficient reason
12 <for> that, the hearing to hear your testimony was adjourned <>.
13 So <the Chamber will not ask the questions again,> parties can
14 refer to the transcript of 6 of October 2015 regarding the
15 background information of the witness.

16 Mr. Witness, in the proceeding <before the Chamber>, you are
17 <under> oath <since> you took an oath already on 6 October 2015.
18 And I would like to inform you of your rights as a witness in the
19 proceeding before the Chamber.

20 [15.23.44]

21 You may refuse to respond to any questions or to make any
22 comments which may incriminate your rights against
23 self-incrimination. You have a duty counsel with you and you can
24 consult with your duty counsel during the time that you are
25 asked.

1 Your obligations: You are required to tell the truth that you
2 have known, heard, seen, remembered, experienced or observed
3 directly about an event or occurrence relevant to the questions
4 that the Bench or parties pose to you.

5 Now, the floor is given to the Co-Prosecutors to put questions
6 before other parties. The combined time for Co-Prosecutors and
7 Lead Co-Lawyers for civil party is two sessions to put questions
8 to this witness. You have the floor now.

9 [15.24.45]

10 QUESTIONING BY MR. SREA RATTANAK:

11 Good afternoon, Mr. President, Your Honours, parties, everyone in
12 and around the courtroom.

13 Q. Good afternoon, Mr. Witness. My name is Srea Rattanak. I am
14 the Deputy -- National Deputy Co-Prosecutor of the OCP in the
15 ECCC.

16 First of all, I would like to ask you some background. Where did
17 you live between 1970 and 1975?

18 MR. SOS ROMLY:

19 A. Between that period, I was living in Trea 2 village at Trea
20 Commune, Krouch Chhmar district, Kampong Cham province.

21 Q. Were you supported by your parents at the time?

22 A. From 1970 and 1975, I was living under the support of my
23 parents.

24 Q. Did you have siblings living together with you at the time?

25 A. Yes. We were living together.

1 Q. How many siblings did you have?

2 A. I have five siblings.

3 [15.26.55]

4 Q. Among them did any one of your siblings get married by then?

5 A. My elder sibling got married in 1973.

6 Q. How many Cham families were living in your village?

7 A. There were perhaps below 1,000 Cham families living in my
8 village back then.

9 Q. Among the 1,000 Cham families, were they living in Trea 2
10 village or Trea Pi village? Were these 1,000 Cham families
11 living in that village or they were living in different villages
12 in the same commune?

13 A. Actually, they were living in the five villages. All together
14 there were below 1,000 Cham families and we resided in the same
15 commune, Trea commune.

16 [15.29.15]

17 Q. I do not really understand your testimony. You stated that
18 Cham families were living in five villages, <in Trea village>. So
19 please specify again, were they living in <a> commune or in <a>
20 village? So please listen carefully to my question. Regarding
21 Trea Pi village where you lived, how many Cham families were
22 living in that Trea Pi village?

23 A. There were around 200 Cham families living in Trea Pi village.

24 Q. Does this mean that in the whole Trea <village, there>
25 consisted of around 1,000 <> families?

1 A. There were five villages in Trea commune. All together there
2 were around 1,000 Cham families or below 1,000 Cham families <in
3 those five villages> and, as I said, there were around only 200
4 Cham families in Trea Pi village -- that is, my village.

5 Q. You made mention that <> there were Cham people living in <>
6 villages, <and that there were five villages in Trea commune>. So
7 beside Cham people, were there other ethnicities living in the
8 villages in that commune?

9 A. Actually, Trea commune consisted of eight villages. And Cham,
10 there were five Cham villages within that commune and there were
11 three Khmer villages in the commune.

12 [15.31.40]

13 Q. Can you tell the Court how many Cambodian families altogether
14 living -- were living in the three villages?

15 A. To my estimate, there were around 400 Khmer families in the
16 three villages.

17 Q. A while ago, you stated that there were both Cham villages and
18 Khmer villages. Does this mean that they did not living -- mingle
19 together in the same villages?

20 A. Yes, that is true.

21 Q. What about before 1970 before Khmer Rouge arrived at your
22 village? Were there any mosques before 1970?

23 A. There was one mosque.

24 Q. What about hakim? Were there any hakims?

25 A. Yes.

1 [15.33.50]

2 Q. What was his or her name?

3 A. Ahmad (phonetic). His name was Asmad (phonetic).

4 Q. How many hakims were there in your commune or village?

5 A. Puchhuoy Ti Muoy, Puchhuoy Ti Pi; there were three <including>
6 hakim.

7 Q. After the arrival of Khmer Rouge in your village and commune
8 in 1970, were there changes in your commune and village;
9 particularly, were there any changes in relation to Cham
10 communities?

11 A. In 1974, hakims had been called to commune office. They were
12 arrested and detained at Krouch Chhmar security office and then
13 <three> other <tuons, who were knowledgeable,> were also called
14 and taken away. <>

15 Q. Actually, my question is about the changes in Cham community
16 from 1970. I want to know that, were you allowed to practice your
17 religion or to do the worship after 1970?

18 A. Between 1970 and '74, we were allowed to go and do the
19 worship. The situation was not so tense during that period.

20 [15.36.44]

21 Q. What about the language? Were you allowed to speak your own
22 language as normal?

23 A. Yes, it was normal. We could speak our language between 1970
24 and 1975.

25 Q. Were you able to recite the scripts in the Holy Book of Koran

1 and could you keep a Koran?

2 A. In 1975, Korans were collected and placed in hakims' houses.
3 Later on the Korans were taken away to the commune office where
4 they were destroyed.

5 Q. You made mention that the Korans were collected in 1975. Does
6 this mean that you were allowed to keep Koran between 1970 and
7 1975?

8 A. Yes, that is correct.

9 Q. Regarding mosques, did you have access to mosques?

10 A. Yes, we did between 1970 and 1975.

11 [15.39.20]

12 Q. A while ago you stated that the situation <> between 1970 and
13 1974, <between 1970> and <1975, did not change>. So I would like
14 you to tell the Court about the changes in situation regarding
15 the language you spoke, the mosque you used, the religion and
16 traditions you followed. So what were the changes <since> 1975
17 and what happened to the mosque?

18 A. Starting from 1975, mosques were closed down. <We> were not
19 allowed to <pray or worship>, and we were banned from reciting
20 the scripts from the Holy Book Koran.

21 Q. Were you invited into a meeting to be informed of the ban? How
22 was the ban -- how was the ban made known to you regarding the
23 practising of your religion?

24 A. The meetings were held among the village chief and commune
25 chiefs and religion <> was considered reactionary.

1 [15.41.15]

2 Q. Did the meetings happen frequently?

3 A. No, it did not happen frequently but villagers were so afraid
4 since <tuons> and hakims had been arrested. And some people were
5 reprimanded and warned a few times, so they no longer practised
6 or recited the script from the Holy Book.

7 Q. About the mosque which was banned from using it, what was the
8 mosque used for?

9 A. The mosque was closed down for a period of one year and later
10 on it was transferred into a -- it was -- it became a hospital.

11 Q. Coming back to the period between 1970 and 1975, did you hold
12 any position in the village administration and commune
13 administration?

14 A. In 1973, I was appointed to be a youth chief of Trea Pi <>
15 village.

16 Q. Why were you appointed to be the youth chief of Trea Pi
17 village?

18 A. <> I asked <the village chief, and> from the information I
19 learned, I was <a poor peasant> and I had a good <tendency of>
20 biography.

21 [15.43.41]

22 Q. Who appointed you to be in that position?

23 A. The village chief appointed me.

24 Q. A little bit before this, you stated that since you were a
25 good farmer, a poor peasant, and had a good tendency of

1 biography, you were appointed to be youth chief so what did you
2 mean by this?

3 A. They said that my parents and relatives had no connection with
4 the former administration.

5 Q. As the youth chief of the village, what were your
6 responsibilities and what was your function?

7 A. I was in charge of about 30 youth and I was instructed by the
8 superior to go <dig canal or> to clear the forest at the back of
9 our houses <or in the field>.

10 Q. So how long were you in that position as the youth chief?

11 A. I was in that position in -- until 1975.

12 Q. After 1975, were you appointed in any other positions?

13 A. I was transferred into a mobile unit after then.

14 [15.46.55]

15 Q. What was your specific position and function in that mobile
16 unit?

17 A. I was the chief of the <kor> (phonetic) group.

18 Q. Later on, after 1975, were you assigned to be in any other
19 position beside the two positions that you had between 1975 and
20 1979?

21 A. I was attached to the mobile unit for about three months after
22 which I was assigned to be the commune <chief's> clerk.

23 Q. When did you become the clerk of the commune chief?

24 A. It was in late 1975 that I was appointed to be commune chief's
25 clerk.

1 Q. What was the commune that you were appointed to be the clerk?

2 A. I was the clerk in the Trea commune.

3 [15.49.00]

4 Q. Could you name the commune committee?

5 A. Chhean was part of commune committee; his alias name was Sy.

6 Q. So who appointed you to be the clerk?

7 A. I, at the time, did not know who appointed me, but there was a
8 letter from the commune chief invited -- inviting me to the
9 commune office.

10 Q. After you were invited to the commune chief, how did you know
11 that you were appointed to be a commune chief's clerk?

12 A. When I arrived at the commune chief, the old clerk came to
13 give instructions to me about how to process the documents and
14 also he had transferred all documents to me to be in charge of.

15 Q. Did you know the reason that you were appointed to be the
16 clerk?

17 A. From what I was told by other people, I -- it was said that I
18 had <> beautiful writing.

19 [15.51.20]

20 Q. Who told you that?

21 A. He was a cadre in charge of the district agriculture and, at
22 that time, he came to <station at Trea village> and he told me
23 that I had such <> beautiful writing.

24 Q. What were your responsibilities as a <commune> clerk?

25 A. The main functions <were> to make the <monthly> report on the

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1 agricultural production, <> to <write letters> in order to invite
2 <> people <from cooperatives or villages> into <> meetings, <or
3 to inform people in cooperatives or villages of the plan that was
4 set by the commune chief for them to be implemented.>

5 Q. You <used the words> "letter to invite" <people in>
6 co-operatives <> to meetings. What did you mean by that? <Were
7 you the one who drafted the letter>?

8 A. Actually, it was the invitation letter to invite the <village>
9 chiefs <or cooperatives' chiefs> into a meeting.

10 [15.53.08]

11 Q. You were only the one who prepared the letter, and as for the
12 signature, it was put down by another person; is that correct?

13 A. Yes, that is correct. <I only wrote it.> I was not authorized
14 to place my signature in that invitation letter.

15 Q. Who placed the signature in the invitation letter?

16 A. It was the commune chief.

17 Q. Regarding the function you performed <as a clerk>, where was
18 your office or was your office within the commune office itself?

19 A. <I worked in> an office <>.

20 Q. What office were you referring to now; could you name it
21 specifically?

22 A. It was the commune office.

23 Q. Where was the location of the commune office; in <> which
24 village <> was the commune office located?

25 A. The office was located in Trea Pi village.

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1 [15.55.29]

2 Q. What about your place of work; you stated that your -- you had
3 an office within the commune's office and did you remain working
4 in that same office until the end or were you <transferred to>
5 another <> office?

6 A. I was in the same office until the end.

7 Q. However, from what I heard, you stated that <the> office <had
8 always been in the village>. I am not sure whether that office,
9 later on, was transformed into any other specific-purpose office.

10 A. I do not really get your question. Please make it simple and
11 clarify it for me.

12 Q. Regarding the commune office that you worked in, was this
13 commune office later on transformed into another specific-purpose
14 office? I mean did -- was this office used for different purposes
15 later on? <Or had it always been used only as the commune office
16 until the end of 1979?>

17 A. I understand it now. I was working in that commune office
18 until 1978. Later on, it was transformed to be the district
19 office.

20 [15.57.40]

21 Q. What about the tasks that you had to perform; so <then> where
22 exactly did you had -- have to perform your task?

23 A. Later on, <> we had to move and work in <> the commune chiefs'
24 house. <At that time,> we had a <new> commune chief <>.

25 Q. Compare the location of the old commune office; so how far was

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1 it from the old commune office?

2 A. The commune chief's house was located <to the east> about 300
3 metres away from the old commune office. It was <located to the
4 northeast> rather <>.

5 Q. You stated that you moved to work <in> the house of the <new>
6 commune <> chief, so where <did the old> commune chief <go>?

7 A. In 1978, the former or old commune chief had been arrested and
8 killed. <He has disappeared to this day.> He was taken to Stueng
9 Trang.

10 [15.59.40]

11 Q. After the old commune chief had been taken away and killed,
12 were you still in the -- that same position as a clerk?

13 A. At that time, I, together with others, decided to flee, so
14 <all members of the commune office> parted each other after the
15 arrest and execution.

16 Q. Could you clarify for the Chamber why you decided to flee
17 together with other and why did <all> the <members of the>
18 commune office <ran in different directions>?

19 A. I heard people say that the East Zone betrayed the regime and
20 the <army from the Centre and> Southwest <Zone> came to <conduct
21 the purge> and after the rumour, there were around 30 black-clad
22 force came to my location and we decided to flee. <The commune
23 chief also fled.> Actually, we did not flee anywhere far away <>.
24 We were going to a place or a location <within the village>.

25 [16.01.25]

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1 Q. When you were the clerk in the old commune office, were there
2 any <other> Cham ethnicity allowed to be in other position in
3 that <place>?

4 A. No, there were no other Cham people allowed to work in that
5 commune office. There was only me.

6 MR. PRESIDENT:

7 Thank you, the Deputy Co-Prosecutor. It is now time for the
8 adjournment and the hearing will resume tomorrow -- rather, my
9 apology, the day after tomorrow, 8 January 19 -- 2016 and the
10 Chamber will continue hearing this witness, Sos Romly. Please be
11 informed and be on time.

12 Thank you, Mr. Sos Romly. The hearing of your testimony as a
13 witness has not come to an end yet; you are, therefore, invited
14 to testify before the Chamber once again on 8 January 2016 at 9
15 a.m.

16 Court officer, please work with WESU to send Mr. Sos Romly to the
17 place where he is staying at the moment and please invite him
18 back into the courtroom on Friday, 8 January 2016, at 9 a.m.

19 Thank you, as well, Mr. Moeurn Sovann, the duty counsel. The
20 Chamber invites you to be here again to accompany the witness,
21 Sos Romly, the day after tomorrow as well.

22 Court security personnel are instructed to bring <the two
23 Accused,> Mr. Khieu Samphan <and Nuon Chea> back to the detention
24 facility of the ECCC and have <them> returned on Friday, 8
25 January 2016, before 9 a.m.

1 The Court is now adjourned.

2 (Court adjourns at 1603H)

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